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# भारत का राजपत्र
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

## वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 2 जून, 2025

**का.आ. 1148.**—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, पंजाब एंड सिंध बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी श्री स्वरूप कुमार साहा (जन्म तिथिः 8.2.1967) के कार्यकाल की वर्तमान अधिसूचित अवधि, जो दिनांक 2.6.2025 को समाप्त हो रही है, को उनकी अधिवर्षिता की आयु प्राप्त करने की तारीख, अर्थात 28.2.2027 तक अथवा अगले आदेशों तक, जो भी पहले हो, आगे बढ़ाती है।

[ई फा. सं. 4/3/2024-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

**MINISTRY OF FINANCE**
**(Department of Financial Services)**

New Delhi, the 2nd June, 2025

**S.O. 1148.**—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, Central Government hereby extends the term of Shri Swarup Kumar Saha (date of birth: 08.02.1967), Managing Director and Chief Executive Officer, Punjab & Sind Bank, beyond his currently notified term which is ending on 02.06.2025, till the date of his superannuation i.e., 28.02.2027 or until further orders, whichever is earlier.

[eF. No. 4/3/2024-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1149.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्री रोहन चन्द ठाकुर, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को उत्तर प्रदेश ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1149.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Rohan Chand Thakur, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Uttar Pradesh Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1150.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री मानसा गंगोत्री काटा, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को आंध्र प्रदेश ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1150.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Ms. Manasa Gangotri Kata, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Andhra Pradesh Grameena Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1151.—** प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री मंदाकनी बलोधी, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को कर्नाटक ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1151.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Ms. Mandakini Balodhi, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Karnataka Grameena Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI**,** Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1152.—**प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री हार्दिक मुकेश सेठ, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को राजस्थान ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1152.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Hardik Mukesh Sheth, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Rajasthan Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI**,** Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1153.—**प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री कीर्ति, संयुक्त निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को बिहार ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1153.**— In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Ms. Kirti, Joint Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Bihar Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1154.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री विवेक गुप्ता, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को तेलंगाना ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1154.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Vivek Gupta, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Telangana Grameena Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1155.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री सुरजीत कार्तिकेयन, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को केरल ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1155.**— In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Surjith Karthikeyan, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Kerala Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1156.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री जीतेन्द्र असाटी, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को मध्य प्रदेश ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1156.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Jitendra Asati, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Madhya Pradesh Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1157.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री नीलम अग्रवाल, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को पश्चिम बंगाल ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1157.**— In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Ms. Neelam Agrawal, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of West Bengal Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1158.**— प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री मोहम्मद अशरफ जे.एस, उप सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को तिमल नाडु ग्रामा बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1158.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Mohamed Ashraf J.S., Deputy Secretary, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Tamil Nadu Grama Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1159.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री श्वेता राव बी., निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को ओड़िशा ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1159.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Ms. Shwetha Rao B., Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Odisha Grameen Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1160.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री जिग्नेश सोलंकी, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को गुजरात ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1160.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Jignesh Solanki, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Gujarat Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1161.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री सुशील कुमार सिंह, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को महाराष्ट्र ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1161.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Sushil Kumar Singh, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Maharashtra Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1162.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री गरिमा कपूर, उप सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को सर्व हरियाणा ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1162.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Ms. Garima Kapoor, Deputy Secretary, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Sarva Haryana Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1163.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री ए के ठाकुर, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को जम्मू एवं कश्मीर ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1163.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. A.K Thakur, Director, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Jammu and Kashmir Grameen Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1164.**— प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अरुण कुमार सिंह, उप सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को असम ग्रामीण विकास बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1164.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Arun Kumar Singh, Deputy Secretary, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Assam Gramin Vikash Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI, Under Secy.

नई दिल्ली, 30 जून, 2025

**का.आ. 1165.**—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री धीरज भास्कर, उप सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को त्रिपुरा ग्रामीण बैंक के बोर्ड में निदेशक के पद पर तत्काल प्रभाव से और अगले आदेशों तक नामित करती है।

[फा. सं. 7/7/2025-आरआरबी]

कुमार श्यामल पार्थसारथी, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1165.**—In exercise of the powers conferred by sub-section (3) of section 9 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby nominates Sh. Dheeraj Bhaskar, Deputy Secretary, Government of India, Ministry of Finance, Department of Financial Services as Director on the Board of Tripura Gramin Bank, with immediate effect and until further orders.

[F.No. 7/7/2025-RRB]

KUMAR SHYAMAL PARTHSARATHI**,** Under Secy.

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## विदेश मन्त्रालय

**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 25 जून, 2025

**का.आ. 1166.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्द्वारा,सरकार भारत के उच्चायोग विक्टोरिया सेशेल्स मेँ श्री शिव कुमार आविति, सहायक अनुभाग अधिकारी,को जून 25, 2025 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी .4330/01/2025(31)]

नबा कुमार पाल, निदेशक (सीपीवी)

## MINISTRY OF EXTERNAL AFFAIRS

**(CPV Division)**

New Delhi, the 25th June, 2025

**S.O. 1166.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Sh. Shiva Kumar Aaviti, Assistant Section Officer as Assistant Consular Officer in the High Commission of India, Victoria, Seychelles to perform the consular services as Assistant Consular Officer with effect from June 25, 2025.

[F. No. T. 4330/01/2025 (31]

NABA KUMAR PAL**,** Director (CPV)

नई दिल्ली, 25 जून, 2025

**का.आ. 1167.—** राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद् द्वारा,सरकार भारत के दूतावास, बेलग्रेड मेँ श्री सत्यम अग्रवाल, सहायक अनुभाग अधिकारी,को जून 25, 2025 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा.सं. टी. 4330/01/2025(32)]

नबा कुमार पाल, निदेशक (सीपीवी)

New Delhi, the 25th May, 2025

**S.O. 1167.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Sh. Satyam Agrawal, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Belgrade to perform the consular services as Assistant Consular Officer with effect from June 25, 2025.

[F.No. T.4330/01/2025 (32)]

NABA KUMAR PAL**,** Director (CPV)

## कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

**(कार्मिक और प्रशिक्षण विभाग)**

नई दिल्ली, 9 मई, 2025

**का.आ. 1168.**—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस. सं. 36, दिनांक 27.03.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से संविदाकार मेसर्स जे. रत्नाकर, दक्षिण मध्य रेलवे, सिकंदराबाद के अज्ञात लोक सेवकों और अज्ञात गैर-सरकारी व्यक्तियों के विरूद्ध प्राप्त स्रोत सूचना के संबंध में भारतीय दंड संहिता की धारा 420 संगत भारतीय न्याय संहिता 2023 (2023 का केंद्रीय अधिनियम 45) की धारा 318(4), भारतीय दंड संहिता की धारा 467 संगत भारतीय न्याय संहिता 2023 की धारा 338, भारतीय दंड संहिता की धारा 468 संगत भारतीय न्याय संहिता 2023 की धारा 336(3), भारतीय दंड संहिता की धारा 471 संगत भारतीय न्याय संहिता 2023 की धारा 340(2) और भारतीय दंड संहिता की धारा 120बी संगत भारतीय न्याय संहिता की धारा 61(2) के अंतर्गत दंडनीय अपराधों के लिए अन्य संचयी अपराधों और उक्त मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध तथा संविदाकार मेसर्स जे. रत्नाकर, दक्षिण मध्य रेलवे, सिकंदराबाद के अज्ञात लोक सेवकों और अज्ञात गैर-सरकारी व्यक्तियों के विरूद्ध प्राप्त स्रोत सूचना के आधार पर अन्य संचयी अपराधों में मामले का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा.सं. 228/23/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

**(Department of Personnel and Training)**

New Delhi, the 9th May, 2025

**S.O. 1168.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.36 dated 27.03.2025, Home (Special) Department, hereby extends the powers and jurisdiction to all the members of Delhi Special Police Establishment in the whole of the State of Telangana for conducting investigation into the source information received against M/s J. Rathnakar, unknown public servants of South Central Railway, Secunderabad& unknown private persons, other cumulative offences and any other offence that may come to light during the investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any offence committed in the course of such transaction or arising out of the same facts against Contractor M/s J. Rathnakar, unknown public servants of South Central Railway, Secunderabad& unknown private persons for the offences punishable u/s 420 IPC corresponding 318 (4) Bharatiya Nyaya Sanhita 2023 (Central Act 45 of 2023), 467 of IPC corresponding 338 Bharatiya Nyaya Sanhita 2023, 468 of IPC corresponding 336 (3) Bharatiya Nyaya Sanhita 2023, 471 IPC corresponding 340 (2) Bharatiya Nyaya Sanhita 2023 and 120 B IPC corresponding 61 (2) BNS & other cumulative offences on the basis of source information received.

[F.No. 228/23/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 9 जून, 2025

**का.आ. 1169.**—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते बिहार राज्य सरकार की अधिसूचना संख्या 9/सी.बी.आई.-80-05/2024 एचपी-13839/पटना, दिनांक 26.11.2024, गृहविभाग (पुलिस शाखा )के माध्यम से जारी सम्मति से दिनांक 5 मई 2024 को आयोजित एनईईटी (यूजी) परीक्षा में अनियमितताओं के संबंध में गोपालगंज थाने में भारतीय दंडसंहिता की धारा 419, 420, 34 के तहत दर्ज एफआईआर संख्या-343/24 का अन्वेषण/पर्यवेक्षण और जांच

करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त बिहार राज्य में करती है।

[फा.सं. 228/26/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 9th June, 2025

**S.O. 1169.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act25 of 1946), the Central Government with the consent of the State Government of Bihar,issued vide Notification No.9/C.B.I-80-05/2024 HP-13839/Patna, Dated 26.11.2024,Home Department (Police Branch), hereby extends the powers and jurisdiction to the whole state of Bihar related to the Case to members of Delhi Special Police Establishment to investigate/supervise and inquire into the FIR No. 343/24, registered at Gopalganj Police Station, under sections 419, 420, 34 of IPC which relates to irregularities in NEET (UG) 2024 examination held on 5th May 2024.

[F.No. 228/26/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 27 मई, 2025

**का.आ. 1170.**—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पुलिस उप महानिरीक्षक/शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, रांची के दिनांक 27.02.2025 के पत्र संख्या 209/2025-आर द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-406/2025-1752, रांची, दिनांक 18.03.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से, श्री साहिल रातुसरिया, आईडीएसई, ईई, गेरिसन इंजीनियर, जीई, रांची के विरूद्ध भ्रष्टाचार निवारण अधिनियम (2018 में यथा संशोधित) की धारा 7 के अंतर्गत कारित अपराध के लिए दिनांक 19.03.2025 को पंजीकृत आरसी 0242025ए0002 के संबंध में और इस मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराधों सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) के लिए मामला दर्ज करने/अन्वेषण करने हेतु दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 19.03.2025 से कार्योत्तर प्रभाव से) झारखंड राज्य में करती है।

[फा.सं. 228/16/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 27th May, 2025

**S.O. 1170.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act XXV of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-406/2025-1752, Ranchi, dated 18.03.2025, Home, Prisons and Disaster Management Department upon request made vide letter number 209/2025-R, dated 27.02.2025 of DIG of Police /Head of Branch, CBI, ACB, Ranchi, hereby extends the power and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand (ex post facto w.e.f 19.03.2025) for registration and investigation in RC 0242025A0002 registered on 19.03.2025 against Shri Sahil Ratusaria, IDSE, EE, Garrison Engineer, GE, Ranchi for committing offence under section 7 of the Prevention of Corruption Act (as amended in 2018) and any other offences that may come to light during investigation of this case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/16/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 27 मई, 2025

**का.आ. 1171.**—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना सं. एफ-4-164/गृह-सी/2024, दिनांक 05.11.2024, गृह (सी-अनुभाग) विभाग, मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर और संशोधित अधिसूचना सं. एफ-4-164/गृह-सी/2024, दिनांक 02.04.2025, गृह (सी-अनुभाग) विभाग, मंत्रालय, महानदी भवन, नवा रायपुर, अटल नगर के माध्यम से जारी छत्तीसगढ़ राज्य सरकार की सम्मति से श्री अतुल कुमार सिंह, निदेशक (V-टेक.), दूरसंचार विभाग, संचार मंत्रालय, नई दिल्ली के दिनांक 08.09.2021 के कार्यालय ज्ञापन के साथ अग्रेषित श्री राजीव अग्रवाल, प्रधान अन्वेषण निदेशक-I, आयकर विभाग, नई दिल्ली के दिनांक 04.08.2020 के पत्र के साथ श्री अरूण पति त्रिपाठी, 1994 बैच के भारतीय दूरसंचार सेवा अधिकारी जो छत्तीसगढ़ राज्य सरकार में प्रतिनियुक्ति पर थे और संबंधित अवधि के दौरान विशेष सचिव, वाणिज्यिक कर (उत्पाद शुल्क) एवं छत्तीसगढ़ राज्य विपणन निगम लिमिटेड (सीएसएमसीएल) के प्रबंधक निदेशक थे, के संबंध में संलग्न निष्कर्षों से संबंधित संक्षिप्त नोट के आधार पर श्री अरूण पति त्रिपाठी के विरूद्ध भ्रष्ट आचरण में संलिप्त होने के साथ-साथ भारी मात्रा में रिश्वत की मांग करने व स्वीकार करने, आय से अधिक संपत्ति अर्जित करने के संबंध में प्रारंभिक जांच(पीई) /नियमित मामला(आरसी) का संचालन करने और उक्त पीई/आरसी के दौरान सामने आने वाले आपराधिक कृत्य/चूक के किसी अन्य कृत्य, उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न अन्य अपराध कारित करने के संबंध में अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन (डीएसपीई) के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त छत्तीसगढ़ राज्य में करती है।

[फा.सं. 228/27/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 27th May, 2025

**S.O. 1171.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act XXV of 1946), the Central Government with the consent of the State Government of Chhattisgarh, issued vide Notification No. F-4-164/Home-C/2024 dated 05.11.2024, Home (C-Section) Department, Mantralay, Mahanadi Bhawan, Nava Raipur, Atal Nagar and amended Notification No. F-4-164/Home-C/2024 dated 02.04.2025, Home (C-Section) Department, Mantralay, Mahanadi Bhawan, Nava Raipur, Atal Nagar, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment(DSPE) in the whole of the State of Chhattisgarh for conducing Preliminary Enquiry(PE) / Regular Case(RC) against Sh. Arun Pati Tripathi for involvement in corrupt practices including demand and acceptance of huge bribe amounts, acquisition of disproportionate assets and for any other act of commission/omission that may come to light during the said PE/RC, committed in the course of the same transaction or arising out of the same facts on the basis of office memorandum dated 08.09.2021 of Sh. Atul Kumar Singh, Director (V-Tech.), Department of Telecommunications, Ministry of Communications, New Delhi forwarding therewith copy of letter dated 04.08.2020 of Sh. Rajeev Agrawal, Principal Director of Investigation-I, Income Tax Department, New Delhi enclosing brief note on findings related to Sh. Arun Pati Tripathi, an Indian Telecom Service Officer of 1994 Batch who was on deputation with the State Government of Chhattisgarh and was holding the post of Special Secretary, Commercial Tax(Excise) and Managing Director of Chhattisgarh State Marketing Corporation Limited(CSMCL) during the relevant period.

[F.No. 228/27/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जून, 2025

**का.आ. 1172.—** केन्द्रीय सरकार,दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पुलिस उपमहानिरीक्षक/शाखा प्रमुख, सीबीआई, एसीबी, रांची के दिनांक 27.01.2025 के पत्र संख्या 100/एसआई-01/2024-आर द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-405/2025-987, रांची, दिनांक 17.02.2025, गृह, कारागार और आपदा प्रबंधन विभाग और शुद्धि पत्र अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-405/2025-1909, रांची, दिनांक 20.03.2025, गृह, कारागार और आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से, श्री परमेश्वर यादव, तत्कालीन मुख्य प्रबंधक (खनन), राजमहल क्षेत्र, ईस्टर्न कोलफिल्ड लिमिटेड (ईसीएल/कोल इंडिया लिमिटेड की एक अनुषंगी), जिला-गोड्डा, झारखंड के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा

13(1)(ख) के तहत कारित अपराधों साथ ही इस मामले के अन्वेषण के दौरान प्रकाश में आए किन्ही अन्य अपराधों एवं ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) का पंजीकरण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार झारखंड राज्य में करती है।

[फा.सं. 228/15/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 2nd June, 2025

**S.O. 1172.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-405/2025-987, Ranchi, dated 17.02.2025, Home, Prisons and Disaster Management Department and Corrigendum Notification Memo No.-10/C.B.I.-405/2025-1909, Ranchi, dated 20.03.2025, Home, Prisons and Disaster Management Department upon request made vide letter number 100/SI-01/2024-R, Dated 27.01.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the powers and jurisdiction to all the members of Delhi Special Police Establishment under the said Act in the State of Jharkhand for registration of a regular case against Shri Parmeshwar Yadav, the then Chief Manager (Mining), Rajmahal Area, Eastern Coalfield Ltd. (ECL/one of the Subsidiary of Coal India Ltd.), Dist.-Godda, Jharkhand, for committing offences U/s 13(1)(b) of the Prevention of Corruption Act, 1988 (As amended in 2018) and any other offences that may come into light during investigation of case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F.No. 228/15/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जून, 2025

**का.आ. 1173.**—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस. सं. 21, दिनांक 03.03.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से श्री गोपाल माशेट्टी, स्टोर प्रभारी, ओएफएमके (आयुध फैक्टरी, मेडक), रक्षा मंत्रालय और उनकी पत्नी श्रीमती अरूणा माशेट्टी के विरूद्ध केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, हैदराबाद में शिकायतकर्ता श्री अमित शर्मा, संगारेड्डी, तेलंगाना द्वारा दिनांक 27.04.2024 को दर्ज करायी गयी शिकायत के संबंध में भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित 13(1) (ड.) के अंतर्गत दंडनीय अपराधों के लिए श्री गोपाल माशेट्टी, स्टोर प्रभारी, ओएफएमके (आयुध फैक्टरी, मेडक), रक्षा मंत्रालय और उनकी पत्नी श्रीमती अरूणा माशेट्टी के विरूद्ध उक्त मामले के अन्वेषण के दौरान सामने आने वाले आने किसी अन्य अपराध सहित ऐसे एक या उससे अधिक अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध तथा शिकायतकर्ता द्वारा दिनांक 27.04.2024 को दर्ज कराई शिकायत के आधार पर अन्य संचयी अपराधों एवं किसी अन्य अपराध(धों) में नियमित मामला दर्ज करने/अन्वेषण का संचालन करने के लिए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा.सं. 228/21/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 2nd June, 2025

**S.O. 1173.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.21 dated 03.03.2025, Home (Special) Department, hereby extends the powers and jurisdiction to all the members of the Delhi Special Police Establishment in the whole of the State of Telangana for conducting Regular Case/Investigation into allegations mentioned in complaint dated 27.04.2024 lodged by the complainant Shri Amit Sharma, Sangareddy, Telangana in CBI, ACB, Hyderabad against Shri Gopal Mashetty, Stores Incharge, OFMK (Ordnance Factory, Medak), Ministry of Defence and his wife Smt. ArunaMashetty, including regular case/investigation into any other offence that may come to light during the investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any offence committed in the course of such transaction or arising out of the same facts against Shri Gopal Mashetty, Stores Incharge, OFMK (Ordnance Factory, Medak), Ministry of Defence and his wife Smt. ArunaMashetty for the offences punishable u/s 13(2) r/w 13(1)(e) of the Prevention of

Corruption Act,1988, other cumulative offences and any other offence(s) on the basis of complaint dated 27.04.2024 lodged by the complainant.

[F.No. 228/21/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जून, 2025

**का.आ. 1174.**—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, धनबाद के दिनांक 10.03.2025 के पत्र संख्या 93/सीओ-2/2025 द्वारा किए गए अनुरोध पर अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-407/2025-1941/रांची, दिनांक 22.03.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री धनराज कुमार चौधरी उर्फ धनंजय कुमार चौधरी, पुत्र श्री शिबयोग चौधरी, वसूली एजेंट, झारखंड ग्रामीण बैंक, धनबाद के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 7 के अंतर्गत दंडनीय अपराधों के संबंध में दिनांक 25.03.2025 को पंजीकृत मामला आरसी 04(ए)/2025-डी तथा ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न किन्हीं अन्य अपराध(धों) सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाले किसी अन्य अपराध का पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 25.03.2025 से कार्योत्तर प्रभाव से) समस्त झारखंड राज्य में करती है।

[फा.सं. 228/30/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 2nd June, 2025

**S.O. 1174.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-407/2025-1941/Ranchi, dated 22.03.2025, Home, Prisons and Disaster Management Department upon request made via letter number 93/CO-2/2025 dated 10.03.2025 of Head of Branch, CBI, ACB, Dhanbad, hereby extends the powers and jurisdiction to the members of Delhi Special Police Establishment in the whole state of Jharkhand (ex post facto w.e.f 25.03.2025) for registration and investigation in RC 04(A)/2025-D registered on 25.03.2025 against Shri Dhanraj Kumar Choudhary @ Dhananjay Kumar Choudhary S/o Shri Shibyog Chaudhary, Recovery Agent, Jharkhand Gramin Bank, Dhanbad for the offences punishable under section 7 A of the Prevention of Corruption Act, 1988 (as amended in 2018) and any other offence that may come to light during investigation of this case, including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F.No. 228/30/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 जून, 2025

**का.आ. 1175.**— केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस.सं.38, दिनांक 27.03.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, हैदराबाद को प्राप्त स्त्रोत सूचना के आधार पर, श्री पी. वेंकन्ना, उप मण्डल अधिकारी – ग्रेड-I, डीईओ का कार्यालय, आंध्र प्रदेश एवं तेलंगाना, सिकंदराबाद छावनी परिषद, श्री शाइक शशावली (डीईओ के कार्यालय में कार्यरत गैर-सरकारी व्यक्ति), सिकंदराबाद छावनी परिषद के अज्ञात लोक सेवकों तथा अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध केन्द्रीय अन्वेषण ब्यूरो द्वारा अधिसूचित धाराओं एवं भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केन्द्रीय अधिनियम सं.49) (2018 में यथासंशोधित) की धाराओं के अंतर्गत कारित अपराध(धों) तथा अन्य संचयी अपराधों और जांच/अन्वेषण के दौरान सामने आने वाले किन्हीं अन्य अपराध(धों) की जांच/अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा.सं. 228/22/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th June, 2025

**S.O. 1175.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.38 dated 27.03.2025, Home (Special) Department,hereby extends the powers and jurisdiction to all the members of the Delhi Special Police Establishment in the whole of the State of Telangana for conducting Enquiry/Investigationof offence(s) on a source information received by Central Bureau of Investigation, Anti Corruption Branch, Hyderabad, against Shri P. Venkanna, Sub Divisional Officer- Grade-I, O/o DEO, AP & TS, Secunderabad Cantonment Board, Shri Shaik Shashavali (Private Person employed at O/o the DEO), unknown public servants of Secunderabad Cantonment Board & unknown private persons under sections notified for investigation by CBI and sections of the Prevention of Corruption Act, 1988 (Central Act No.49 of 1988) (as amended in 2018) and other cumulative offences and any other offence (s) that may come to light during Enquiry/Investigation.

[F.No. 228/22/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 जून, 2025

**का.आ. 1176.**—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, धनबाद के दिनांक 18.03.2025 के पत्र संख्या 106/सीओ-4/2025 द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-412/2025-2137/रांची, दिनांक 28.03.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से श्री अरविंद राय, लिपिक, खुदिया कोलियरी, मुगमा क्षेत्र, ईसीएल, निरसा, धनबाद के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 7 के अंतर्गत दंडनीय अपराधों के संबंध में दिनांक 30.03.2025 को पंजीकृत मामला आरसी 05(ए)/2025-डी तथा ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न किन्हीं अन्य अपराध(धों) सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाले किसी अन्य अपराध का पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 30.03.2025 से कार्योत्तर प्रभाव से) समस्त झारखंड राज्य में करती है।

[फा.सं. 228/29/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th June, 2025

**S.O. 1176.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-412/2025-2137/Ranchi, dated 28.03.2025, Home, Prisons and Disaster Management Departmentupon request made via letter number 106/CO-4/2025 dated 18.03.2025 ofHead of Branch, CBI, ACB, Dhanbad, hereby extends the powers and jurisdiction to the members of Delhi Special Police Establishment in the whole state of Jharkhand (ex post factow.e.f. 30.03.2025) for registration and investigation in RC05(A)/2025-D registered on 30.03.2025 against Shri Arvind Rai, Clerk, Khoodia Colliery, Mugma Area, ECL, Nirsa, Dhanbad for the offences punishable under section 7of the Prevention of Corruption Act, 1988 (as amended in 2018) and any other offence that may come to light during investigation of this case, including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F.No. 228/29/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 12 जून, 2025

**का.आ. 1177.—** केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस. सं. 32,दिनांक 20.03.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से श्री रवि रंजन, अधीक्षक, जीएसटी कार्यालय, मेडक, तेलंगाना के विरूद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 के अधिनियम 16 द्वारा यथासंशोधित) की धारा 7(क) के अंतर्गत दंडनीय अपराधों के लिए दिनांक 21.03.2025 को पंजीकृत आरसी 03(ए)/2025 और उक्त मामले के अन्वेषण के दौरान सामने आने वाले किन्ही अन्य अपराध(धों) सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किन्ही अन्य अपराधों में मामले का पंजीकरण व अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 21.03.2025 से कार्योत्तर प्रभाव से) समस्त तेलंगाना राज्य में करती है।

[फा.सं. 228/14/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 12th June, 2025

**S.O. 1177.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946, the Central Government with the consent of the State Government of Telangana, issued vide Notification No.G.O.Ms.No.32 dated 20.03.2025, Home (Special) Department, hereby extends the powers and jurisdiction toall the members of the Delhi Special Police Establishment (ex post factow.e.f. 21.03.2025) in the whole of the State of Telanganafor registration and investigation in RC 03(A)/2025 registered on 21.03.2025 against Shri Ravi Ranjan, Superintendent, GST Office, Medak, Telangana for the offences punishable under section 7 (a) of the PC Act, 1988 (as amended by Act 16 of 2018), any other offence(s) that may come to light during investigation of said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any offence committed in the course of such transaction or arising out of the same facts.

[F.No. 228/14/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

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## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 जून, 2025

**का.आ. 1178.—**केन्द्र सरकार, पेट्रोलियम और खनिज पाइपलाइन की धारा 2 खण्ड (ए) के अनुसरण में (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) उक्त, अधिनियम के अधीन हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड की विसाख - रायपुर पाइपलाइन परियोजना, पेट्रोलियम पदार्थ पाइपलाइन, ओडिशा राज्य में बिछाने के लिए नीचे दी गई सारणी के स्तंभ (1) में वर्णित प्राधिकारी (प्राधिकारियों) को ओडिशा राज्य सरकार में उनके कर्तव्यों के अलावा उक्त सारणी के स्तंभ (2) में उल्लेखित क्षेत्रों के संबंध में उक्त अधिनियम के अंतर्गत सक्षम प्राधिकारी (प्राधिकारियों) के कार्यों का निवर्हन करने हेतु प्राधिकृत करती है अर्थात:-

### अनुसूची

| पदनाम | क्षेत्राधिकार |
|---|---|
| 1. उप जिला पाल, टिटलागढ़, बलांगीर | ओडिशा राज्य के बलांगीर जिला में आने वाले क्षेत्र |
| 2. भूमि अधिग्रहण अधिकारी, कलेक्ट्रेट, कालाहांडी | ओडिशा राज्य के कालाहांडी जिला में आने वाले क्षेत्र |
| 3. डिप्टी कलेक्टर, रायगड़ा | ओडिशा राज्य के रायगड़ा जिला में आने वाले क्षेत्र |
| 4. भूमि अधिग्रहण अधिकारी, नुआपाड़ा | ओडिशा राज्य के नुआपाड़ा जिला में आने वाले क्षेत्र |

यह अधिसूचना जारी होने की तारीख से लागू होगी।

[फा. सं. आर-12030(27)/1/2025-ओआर-II/ई-53267]

एस.एस. सिंह, अवर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th June, 2025

**S.O. 1178.**—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby Authorizes the Authority (s) mentioned in the column (1) of the Table given below to perform the functions of Competent Authority (s) in addition to their duties under the State Government of Odisha under the said Act for laying of Petroleum Product Pipeline of Hindustan Petroleum Corporation Limited from Visakha (Andhra Pradesh) to Raipur (Chhattisgarh) in respect of the areas mentioned in Column (2) of the said Table: —

**SCHEDULE**

| Designation of Authority | Area of Jurisdiction |
|---|---|
| (1) | (2) |
| 1. Sub-Collector, Titlagarh, Balangir | Areas falling in Balangir District, State of Odisha. |
| 2. Land Acquisition Officer, Collectorate, Kalahandi | Areas falling in Kalahandi District, State of Odisha. |
| 3. Deputy Collector, Rayagada | Areas falling in Rayagada District, State of Odisha. |
| 4. Land Acquisition Officer, Nuapada | Areas falling in Nuapada District, State of Odisha. |

This notification will be effective from the date of its issue.

[F.No. R- 12030(27)/1/2025-OR-II/E-53267]

S.S. SINGH, Under Secy.

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## पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
## (हिन्दी अनुभाग)

नई दिल्ली, 24 जून, 2025

**का.आ. 1179.—** केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उप- नियम 4 के अनुसरण में पत्तन, पोत परिवहन और जलमार्ग मंत्रालय के निम्नलिखति अधीनस्थ कार्यालयों, जिसमें 80% से अधिक अधिकारियों/ कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है , को एत्तद्द्वारा अधिसूचित करती है:-

1. नौवहन महानिदेशालय, 9वीं मंजिल बीटा बिल्डिंग, आई-थिंक टेक्नो कैम्पस, कांजुरमार्ग (पूर्व), मुंबई - 400 042
2. महापत्तन प्रशुल्क प्राधिकरण, चतुर्थ तल, भंडार भवन, मुजावर पाखाडी रोड, माझगांव, मुंबई-400010.

यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[फा. सं. ई-11011/1/2025-हिन्दी]

अनिमेष भारती, वरिष्ठ आर्थिक सलाहकार

## MINISTRY OF PORT, SHIPPING AND WATERWAYS

**(Hindi Section)**

New Delhi, the 24th June, 2025

**S.O. 1179.—** In pursuance of sub-rule 4 of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following subordinate offices of the Ministry of Ports, Shipping and Waterways, where more than 80% of the officers/employees have acquired a working knowledge of Hindi:-

1. Directorate General of Shipping, 9th Floor Beta Building, I-Think Techno Campus, Kanjurmarg (East), Mumbai – 400 042
2. Tariff Authority For Major Ports, 4th Floor, Bhandar Bhawan, Mujawar Pakhadi Road, Mazgaon, Mumbai-400010.

This notification shall come into force from the date of its publication in the Gazette.

[F.No. E-11011/1/2025-Hindi]

ANIMESH BHARTI, Senior Economic Advisor

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## रेल मंत्रालय

## (रेलवे बोर्ड)

नई दिल्ली, 17 फरवरी, 2025

**का.आ. 1180.—**रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/ कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतदद्वारा अधिसूचित करता है:-

1. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, चंडीगढ़ टेरिटरी.
2. मुख्य परियोजना प्रबंधक, रेल विकास निगम लिमिटेड, भुवनेश्वर यूनिट.
3. मुख्य परियोजना प्रबंधक, रेल विकास निगम लिमिटेड, रांची यूनिट.
4. मुख्य कारखाना प्रबंधक, लिलुआ, पूर्व रेलवे.
5. मुख्य कारखाना प्रबंधक (कैरेज एवं वैगन कारखाना), न्यू बंगाईगांव.
6. राइट्स लिमिटेड, दक्षिण क्षेत्र परियोजना, बेंगलूरू.
7. प्रथम वाहिनी रेलवे सुरक्षा विशेष बल, लामडिंग.

[फा.सं. हिंदी -2023/रा.भा.-1/12/1/( 2019898)]

सतविंदर सिंह, उप निदेशक, राजभाषा

## MINISTRY OF RAILWAYS

## (Railway Board)

New Delhi, the 17th February, 2025

**S.O. 1180.—**Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Langauge Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. RailTel Corporation of India LTD., Chandigarh Territory.
2. Chief Project Manager, Rail Vikas Nigam LTD., Bhubaneswar Unit.
3. Chief Project Manager, Rail Vikas Nigam LTD., Ranchi Unit.
4. Chief Workshop Manager, Liluah, Eastern Railway.
5. Chief Workshop Manager (Carriage & wagon Workshop), New Bongaigaon.
6. Rites Ltd., Southern Region Project, Bengaluru.
7. 1st Batallion Railway Protection Special Force, Lumding.

[F.No. Hindi-2023/O.L.1/12/1/ (2019898)]

SATVINDER SINGH, Dy. Director, O.L.

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## श्रम और रोजगार मंत्रालय

नई दिल्ली, 20 मई, 2025

**का.आ. 1181.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **पवन हंस हैलीकॉप्टर्स लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण** - सह - **श्रम न्यायालय**, मुंबई-2 के पंचाट **(संदर्भ संख्या 63/2008)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **15/04/2025** को प्राप्त हुआ था।

[सं. एल-11012/38/2008-आई.आर.सी-एम-I]

मणिकंदन.एन. उप. निदेशक

## MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 20th May, 2025

**S.O. 1181.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 63/2008*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Mumbai-2.** as shown in the Annexure, in the industrial dispute between the Management of **Pawan Hans Helicopters Limited.** and **their workmen** received by the Central Government on 15***/04/2025***

[No. L-11012/38/2008– IR (CM-I)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI**
**PRESENT**

SHRIKANT K. DESHPANDE
Presiding Officer

**REFERENCE NO. CGIT-2/63 of 2008**

**EMPLOYERS IN RELATION TO THE MANAGEMENT OF PAWAN HANS HELICOPTERS LTD.**

The Dy., General Manager (P&A) WR,
Pawan Hans Helicopters Limited,
S.V. Road,
Vile Parle (W)
Mumbai 400 056.

**AND**

**THEIR WORKMEN.**

**(All India Civil Aviation Employees Union)**

The General Secretary,
All India Civil Aviation Employees Union,
Juhu Aerodrome, S.V. Road,

Vile Parle (W)
Mumbai 400 056.

**APPEARANCES:**

| | | |
|---|---|---|
| Party No. 1 | : | Mrs. Deepika Agarwal<br>Advocate. |
| Party No. 2 | : | Mr. Sanjay Kadam<br>Representative. |

**AWARD**

(Delivered on 26-03-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-11012/38/2008 (IR(CM-I)) dated 20.11.2008. The terms of reference given in the schedule are as follows:

> *`i) Whether the action of the management of M/s. Pawan Hans Helicopters Limited, Mumbai in deducting the wages of Shri Rakesh K. Asthana, Junior Section Engineer from 25.11.2005 to 02.01.2006 and not promoting him, is justified and legal?*
>
> *ii) To what relief is the concerned workman entitled?`*

2. Read application signed by the President & General Secretary of Second Party Union. Perused the say given by the counsel for the First Party.

It is submitted that, the employee involved in the Reference is retired in the year 2017-2018, therefore the Second Party Union does not want to prosecute the present Reference and requested for closer of the Reference. The First Party counsel has given no objection for the same.

In view of this, the Reference is disposed off for want of prosecution. No order as to cost. The proceeding is closed.

Hence, I pass the following order-

**ORDER**

i. The Reference is answered in the negative.

ii. The Second Party is not entitled for relief as prayed.

iii. No order as to costs.

iv. The copy of Award be sent to the Government.

Date: 26-03-2025 SHRIKANT K. DESHPANDE, Presiding Officer

नई दिल्ली, 23 मई, 2025

**का.आ. 1182.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **कस्टम डिपार्टमेंट** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय**, कोलकता के पंचाट **(संदर्भ संख्या 25/2004)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **27/02/2025** को प्राप्त हुआ था।

[सं. एल.-42012/184/2003-आई.आर.सी-एम-II]

मणिकंदन.एन. उप. निदेशक

New Delhi, the 23rd May, 2025

**S.O. 1182.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 25/2004*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Kolkata** as shown in the Annexure, in the industrial dispute between the Management of **Custom Department** and **their workmen** received by the Central Government on **27*/02/2025***

[No. L-42012/184/2003– IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 25 OF 2004**

**Parties:** Employers in relation to the management of

**Custom Department**

**AND**

**Their Workmen**

**Appearance :**

On behalf of Management, **Customs Department**: None

On behalf of the Workmen / **Union** : None

**Dated 24th March, 2023**

**A W A R D**

Neither the Management Authorities of Custom Department nor the representative of the Union are found present before the Tribunal, when the matter is called.

Record shows since 2015 parties to this Reference have stopped appearing before the Tribunal and stopped pursing with the dispute under reference.

None the less, the Govt. of India, through Ministry of Labour order No. L-42012/184/2003-IR(CM-II) dated 23.06.2004 has referred the following dispute for adjudication by this tribunal.

(1)" Whether there is a genuine contract system existing between the Customs Dept., Kolkata and their contractor M/s. R.P. Mahato & R.B. Sah?

(2) Whether the thirty contract labour working under M/s. R.P. Mahato & R.B. Sah at Customs House, Kolkata are entitled for absorption into the service of Customs Department, Kolkata or not?

(3) If so, to what relief they are entitled?"

It is the case of the Union, that Custom Department, Kolkata to execute its work weighment of cargo arriving at Custom House for impart and expart business, for loading and unloading jobs at all shed of the Custom department at Calcutta Airport, Calcutta Dock, Custom House for removal of seized items, it has engaged labour through contractor but payment are made directly by the Custom Department.

Those labours engaged in different sea ports and airports are made to work which is normally performed by regular or permanent employee.

A committee was constituted to study the working pattern of contract labour system in the establishment of Custom at Calcutta on 30.05.1990.

The committee submitted its report on 26.03.1991 and recommended that except for custom related jobs for which payments are being made directly by the private parties / clearing agents, the employment of contract labour in the establishment of the Collectorate of Custom, Kolkata should be prohibited.

But Govt. of India has failed to issue notification U/s. 10 of the Contract Labour (Regulation-Abolition) Act, 1970.

Thus in the claim application it has prayed for adjudication of the dispute according to Sec. 10 of the Act, 1970.

The Authority of the Custom Department in its W/O has alleged that Sec. 1979, the job of loading and unloading of baggage, seized packages, shifting of heavy packages, records, furniture etc. has been outsourced by floating tender, those works are not done by the staff of Custom House, being purely incidental in nature.

During 1980-81 contract was given to one Nagendra Mahato.

And from 01.10.1981 to M/s M.K. Traders but due inter Union dispute. M/s M.K. Traders could not carry out the contract job till completion of period of contract. Then once again Nagendra Mahato was engaged as contractor for supply of Labour to do incidental job.

That R.P. Mahato and R.B. Sha provided labour to do incidental job till 1988 and thereafter also such practise continued.

The labourers being the employee of the Service Provider/Contractor the Custom Department not being the employer it is not liable to fulfil the demand made by labour Union. Thus it has prayed for dismissal of the Reference.

In the present case, the contractors' labours are claiming absorption as regular govt. employees in Custom Department.

Nothing has come on record to prove that in the Custom Department there are sanctioned posts of labourers for doing loading and unloading work at different airports, Docks, ports and at its office and warehouse or that Govt. of India, instead of filing there sanctioned posts getting the work done by engaging contractors' labourer, by keeping the post vacant.

That apart the custom department being a public office the appointments in public office are required to be made by following recruitment rules and through Staff Selection Commission.

The Hon'ble Supreme Court in Secretary, State of Karnataka Vs. Uma Devi (2006) 4 S.C.C.1 it has been held in Para 43 "Thus, it is clear the adherence to the rule of equality in public employment is a basic feauture of our constitution and since the rule of law is the core of our constitution, a court would certainty be disabled from passing an order upholding a violation of Article 14 read with Article 16 of the constitution . Therefore, consistent with the scheme, for public employment, this court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. It is a contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee cannot claim to be permanent on the expiry of his terms of appointment. It has also to be classified that merely because a temporary employee of a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or

made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due provinces of selection as envisaged by the relevant rules.

It is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or of adhoc employees who by the very nature of their appointment do not acquire any right. The High Court acting under Article 226 of the constitution, should not ordinarily issue directions for absorption, regularization or permanent continuance unless recruitment itself was made regularly and in terms of the constitutional scheme.

Merely because on employee had continued under cover of an order of the court, which are have described as " Litigious employment" in the earlier part of the judgement, he would not be entitled to any right to be absorbed or made permanent in the service. In fact, in such cases, the High Court may not be justified in issuing interim directory since, after all, if ultimately the employee approaching it is found entitled to relief, it may be possible for it to mould the relief in such manner that ultimately no prejudice will be caused to him, whereas an interim direction to continue his employment would held up the regular procedure for selection are impose on the state the burden of paying an employee who is not really required. The Courts must be careful in ensuring that they do not interfere unduly with the economic arrangement of its affaires by the state or its instrumentalities or lend themselves the instrument to facilitate the by passing of the constitutional and statutory mandates'.

From the ratio of the above judgement it is clear that in public office, against sanctioned posts recruitment has to be made as per recruitment rules.

In the present case, Union has failed to prove the contractor labourers were / are made to work against the sanctioned post and which are left vacant by the department.

Therefore, question of absorption and regularization of contractors' labourers in Govt. Dept. or in public office does not arise no matter for how long they are working as contractor labours.

Further, the Union has failed to prove the service rendered by the labours is such a nature of service, without which the department can not function and job renders by the labours is perennial in nature.

In view of the above, this tribunal hold the claim made by the contractors' labourers for the absorption as regular Govt. employees is not tenable.

Moreso, the Govt. has not issued any notification U/s. 10 of the Contract Labour (Regulation and Abolition) Act, 1970 prohibiting the Custom Department for an engaging contract labour in different ports, airports, dock and in other department / establishment.

Accordingly, the Reference U/s. 10(1)(d) and (2A) is dismissed and dismissal Award is passed.

Send copy of this Award to the Ministry for doing needful.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 23 मई, 2025

**का.आ. 1183.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, आसनसोल के पंचाट **(संदर्भ संख्या 57/2022)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **11/03/2025** को प्राप्त हुआ था।

[सं. एल. 22012/101/2022-आई.आर.सी-एम-II]

मणिकंदन.एन, उप. निदेशक

New Delhi, the 23rd May, 2025

**S.O. 1183.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 57/2022*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **ECL** and **their workmen** received by the Central Government on **11/03/2025**

[No. L-22012/101/2022– IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 57 OF 2022**

**PARTIES:** Dinesh Kumar Gareri
**Vs.**
Management of Khas Kajora Colliery, ECL

**REPRESENTATIVES:**
For the Union/Workman: Mr. Jamaluddin Mia, General Secretary, RMBKS.
For the Management of ECL: Mr. P. K. Das, Advocate.

**INDUSTRY:** Coal.
**STATE:** West Bengal.
**Dated:** 17.02.2025

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order No. L-22012/101/2022-IR(CM-II) dated 06.12.2022 has been pleased to refer the following dispute between the employer, that is the Management of Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*"Whether the action of the management of Khas Kajora Colliery, Kajora Area, M/s. E.C.Ltd. not re-designated/ regularized and not given arrear as Winding Engine Operator after working more than 11 years in the post of Winding Engine Operator instead of Haulage Operator is justified or not? If not, what relief the workmen are entitled to and from"*

1. On receiving Order **No. L-22012/101/2022-IR(CM-II)** dated 06.12.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 08.12.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Jamaluddin Mia, General Secretary, Rastriya Mulnivasi Bahujan Karmchari Sangh, filed written statement on 14.06.2023 for the first time disclosing the name of aggrieved workman as Dinesh Kumar Gareri. It is surprising that the Schedule of the Industrial Dispute, referred for adjudication, does not bear the name of the discontented workman, in absence of which such Reference does not have any significance. Mr. P. K. Das, learned advocate for the management of Eastern Coalfields Limited (hereinafter referred to as ECL) filed the written statement on the same date i.e., 14.06.2023. In gist, the fact of the case as disclosed in the written statement of the union is that Dinesh Kumar Gareri bearing U.M. No. 125431 is posted as a Haulage Operator at Khas Kajora Colliery under Kajora Area of ECL. He is working as a Winding Engine Operator from 2013 and passed 2nd Class Winding Engineman Examination held on 14.12.2016 and a certificate was issued from the Board of Mining Examination. After passing the examination the workman requested the management on several occasion for regularizing him to the post of Winding Engine Operator but the management did not consider his prayer. Ultimately the workman submitted

an application on 07.02.2021 for his posing as a Winding Engine Operator but the management did not pay any heed. The workman through the union has prayed for designating him as Winding Engine Operator.

3. The management of ECL contested the Industrial Dispute by filing their written statement. It is contended that Dinesh Kumar Gareri applied for selection / regularization to the post of Winding Engine Operator on 10.06.2017, after passing 2nd Class Winding Engineman's Examination. He has also submitted his certificate. Referring to the cadre scheme for non-executive employee of Coal India Limited it is submitted that a candidate having three years' experience as Haulage Khalasi in Category-IV and 2nd Class Winding Engine Khalasi Certificate issued by the Directorate General of Mines Safety (hereinafter referred to as DGMS) is eligible for the post of Winding Engine Operator in Category-V. According to the management Dinesh Kumar Gareri is having a 2nd Class Winding Engine Khalasi Certificate but his present designation of Haulage Operator in Category-III does not satisfy the eligibility criteria for his promotion / regularization to the post of Winding Engine Operator, Category-V. Management denied that the workman was arbitrarily and illegally denied promotion to the said post and prayed for dismissal of the Industrial Dispute.

4. The moot point for consideration is whether Dinesh Kumar Gareri has fulfilled the criteria for his regularization to the post of Winding Engine Operator and to what relief the workman is entitled to?

5. In support of the workman's case the union examined Dinesh Kumar Gareri as Workman Witness No.1 and filed his affidavit-in-chief, wherein he specifically stated that after passing his Winding Engineman's Examination on 14.12.2016 from DGMS he approached the management for his regularization to the post of Winding Engine Operator but the management did not pay heed. On a perusal of the affidavit-in-chief, I find that it has not been drafted properly. The workman has produced a copy of his Winding Engineman's 2nd Class Certificate (Steam), which has been marked as Exhibit W-1. It is deposed by the workman that no formal order was issued by the company, in writing, asking him to work as a Winding Operator.

6. In cross-examination the witness deposed that he applied before the management of the company for his regularization to the post of Winding Engine Operator but was unable to produce any document in support of such prayer. The witness thereafter deposed that he submitted application to the Grievance Cell of Khas Kajora Colliery. The fact that he is posted as Haulage Operator has not been denied by the management of the company in course of cross-examination of the workman witness.

7. Management examined Mr. Proloy Dasgupta, Manager (Personnel), Khas Kajora Colliery as Management Witness No. 1. In his affidavit-in-chief the witness deposed that Dinesh Kumar Gareri is posted as Haulage Operator at Khas Kajora Colliery. On 10.06.2017 he applied for regularization as Winding Engine Operator and his application is produced as Exhibit M-1. Copy of the Identity Card issued by ECL is produced as Exhibit M-2. Copy of the Certificate issued by the Board of Mining Examination in favour of Dinesh Kumar Gareri is produced as Exhibit M-3. Witness deposed that workman is not entitled to the post of Winding Engine Operator as he does not have three years' experience in the capacity of Haulage Operator, Category-IV as the workman is posted as Haulage Operator in Category-III. A copy of Pay Slip of the workman for the month of July, 2024 is produced as Exhibit M-4. A copy of the Cadre Scheme, applicable to the workman, is produced as Exhibit M-5. A letter dated 10.04.2019 issued by the Area Personnel Manager, Kajora Area, stating that there was overall surplus of eight Winding Engine Operator in the area and proposed that the employee may give three preferences of his posting, is produced as Exhibit M-6. A copy of letter dated 29.04.2019 addressed to Dinesh Kumar Gareri, seeking his consent for being posted in any other area of the company as per requirement is produced as Exhibit M-7.

8. In course of cross-examination the witness deposed that the workman submitted his option in response to the letter dated 29.04.2019. The purported reply was marked as 'X' for identification and was subsequently admitted in evidence as Exhibit M-8.

9. Mr. Jamaluddin Mia, union representative arguing on behalf of the workman submitted that Dinesh Kumar Gareri was appointed under the company as a loader in the year 1996. He was regularized to the post of Haulage Operator in the year 2012 and on verbal direction he was working as Winding Engine Operator since 2014. It is submitted that the workman passed his 2nd Class Winding Engineman's Examination from DGMS on 14.12.2016 (Exhibit W-1) and thereafter submitted his application before the company for regularizing him to the post of Winding Engine Operator (Exhibit M-1) but the management did not consider the case of the workman. It is argued that the management by not taking any decision on the basis of the prayer of the workman on fulfilling his eligibility has caused suffering to him and resulted in his financial loss.

10. Mr. P. K. Das, learned advocate for the management, in reply argued that the workman was never deployed to work as a Winding Engine Operator. It is fairly admitted that the concerned workman has been posted as Haulage Operator and he also passed the 2nd Class Winding Engineman's Examination from DGMS. Referring to Exhibit M-

5, the Cadre Scheme it is submitted that for the purpose of a workman to be regularized or promoted to the post of Winding Engine Operator in Category-V he must be literate and able to read and write in Hindi / regional language, he should have the qualification of Winding Engine Khalasi and undergone trade test and training for six months, on production of his Winding Engineman's 2nd Class Certificate on competency issued by DGMS he can fill up the post of Winding Engine Operator provided he has three years'experience as Haulage Khalasi in Category-IV. Learned advocate argued that as there was surplus of Winding Engine Operator at Khas Kajora Colliery the Deputy Manager (Personnel), Khas Kajora Colliery had issued a letter to Dinesh Kumar Gareri on 29.04.2019 (Exhibit M-7), asking him to submit his consent that on selection for deployment as Winding Engine Operator he will be posted in any other Area of the company, as per requirement, and asked for three preferences for his place posting. Learned advocate submitted that the workman did not comply to such letter and did not submit his willingness to be transferred to any other place. It is accordingly urged that the Industrial Dispute is liable to be dismissed.

11. I have considered the nature of dispute raised by the union on behalf of the workman, pleadings of the parties, evidence on record and argument advanced in favour of respective parties. In his evidence-in-chief Mr. Proloy Dasgupta (MW-1) has stated that Dinesh Kumar Gareri is posted as Haulage Operator at Khas Kajora Colliery. He also stated that on 10.06.2017 the workman submitted an application seeking his regularization to the post of Winding Engine Operator. The management has not laid any emphasis upon the category of Haulage Operator in which the workman is working. It is also admitted that the workman has passed a Winding Engineman's 2nd Class Course from DGMS and is adequately qualified for his posting as Winding Engine Operator. It transpires from the evidence of management witness that the workman submitted an application before the management of Khas Kajora Colliery on 10.06.2017, informing that he is a certificate holder of 2nd Class Winding Engineman on the basis of examination dated 14.12.2016 and requested for his re-designation to the post of Winding Engine Operator (Steam). It is undisputed that the workman is posted as Haulage Operator prior to his passing the examination of 2nd Class Winding Engineman in the year 2016. According to the Cadre Scheme the workman has also fulfilled the number of years of experience necessary in the post of Haulage Operator before being designated as Winding Engine Operator. It is gathered from the letter dated 29.04.2019 issued by the Deputy Manager (Personnel), Khas Kajora Colliery (Exhibit M-7) that the proposal for encadrement of Dinesh Kumar Gareri as Winding Engine Operator was forwarded to the higher authority of ECL Headquarters for obtaining necessary approval but it was returned with comment that as there was overall surplus of eight Winding Engine Operator in the Area, the employee on being selected for deployment as Winding Engine Operator will be posted in other Area of the company as per requirement and the concerned workman was advised to submit his consent. The workman in his letter submitted on 16.12.2021 (Exhibit M-8) has expressed his consent that he is willing to be posted in any other Area on his regularization to the post of Winding Engine Operator. There can be no uncertainty about the criteria of experience and educational qualification to be fulfilled by the workman for being posted as Winding Engine Operator in Category-V. After compliance of all the requirement by the workman, the management of the employer company cannot keep the workman waiting for his legitimate claim for a better designation which will only add to the betterment of the company by boosting the moral of the workman at his workplace. Deprivation of legitimate claim due to inaction of the management only reduces the efficacy of the workman. In the instant case, I find that the management has acted illegally by not regularizing Dinesh Kumar Gareri in the post of Winding Engine Operator since 2017, though he fulfilled all the conditions for the post. The management is therefore directed to consider the case of Dinesh Kumar Gareri and regularize him to the post of Winding Engine Operator w.e.f. the date of submission of his application on 16.12.2021 within three (3) months from the date of communication of the Award. The workman shall also be entitled to fixation of his Pay in the said post w.e.f. December, 2021.

Hence,

**ORDERED**

that the Industrial Dispute is allowed in favour of Dinesh Kumar Gareri, on contest, against the management of Khas Kajora Colliery, under Kajora Area of Eastern Coalfields Limited. The management of the employercompany is directed to regularize Dinesh Kumar Gareri to the post of Winding Engine Operator w.e.f. December, 2021 and fix his Pay according to his designation within three (3) months from the date of communication of the Award and also pay the arrear dues, if any, to the workman within one (1) month thereafter. Let an award be drawn upin light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE**,** Presiding Officer

नई दिल्ली, 27 मई, 2025

**का.आ. 1184.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **163/1999**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **05/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/145/99-आई.आर. (सी-एम-II)]

मणिकंदन. एन, उप. निदेशक

New Delhi, the 27th May, 2025

**S.O. 1184.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **( Reference.I.D.No.163/1999)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **05*/05/2025*.**

[No. L-22012/145/99 – IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 163 OF 1999**

**PARTIES:** Maru Kole

**Vs.**

Management of Haripur Colliery, Kenda Area of M/s. ECL

**REPRESENTATIVES:**

For the Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress

For the Management of ECL: Mr. P.K. Goswami, Advocate

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 11.04.2025

**AWARD**

On failure of conciliation, the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order **No. L-22012/145/99/IR(CM-II)** dated 22.11.1999 has been pleased to refer the following dispute between the employer, that is the Management of Haripur Colliery of Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

**SCHEDULE**

*" Whether the action of the management of Haripur Colliery under Kenda Area of M/s. ECL in not providing employment either to wife or to son of Maru Kole is justified? If not, to what relief the ex-employees's dependent is entitled ? "*

1. On receiving Order **No. L-22012/145/99/IR(CM-II)** dated 22.11.1999 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 163 of 1999** was registered on 06.12.1999/09.10.2001 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims along with a list of witnesses.

2. Koyala Mazdoor Congress representing Maru Kole, the ex-employee of ECL filed their written statement on 13.12.2001. The management of ECL filed written statement on 03.04.2002. Brief fact of the case, as disclosed in written statement of union is that Maru Kole was a permanent employee of ECL and was posted as U.G. Loader at Haripur Colliery under Kenda Area, ECL. Due to physical disability, Maru Kole applied for voluntary retirement under clause 9.4.0 (ii) of NCWA. The Medical Board constituted by the management declared him unfit for job and his service was terminated w.e.f. 11.05.1991. According to the terms of NCWA, one dependent of the workman who voluntarily retired from service on medical ground is entitled to an employment. Initially an application was made by Maru Kole for employment of his younger brother but he was found to be suffering from Leprosy. Fulia Devi, wife of Maru Kole then claimed employment. After proper screening at the Area Level, the file was forwarded to ECL Headquarter on 15.09.1994 but the same was returned seeking some clarification. No employment was provided to the wife of ex-employee. It is the case of the union that no effective steps has been taken by the management and the entire family is facing financial difficulty without any employment, having no source of income. It is contended that management of ECL deliberately delayed the process for providing employment to the wife. Union has claimed that the son of Maru Kole has attained the age of majority and the management should provide employment to the son of ex-employee. In the written statement union also claimed employment for the wife of Maru Kole and if management desires, they can provide employment to the dependent son with consequential benefits.

3. The management of ECL contested the Industrial Dispute and in their written statement stated that Maru Kole at first nominated his younger brother for providing employment. When the nominee was found medically unfit, Maru Kole changed the nomination for employment in favour of his wife. At the time of screening, the management found that the wife had crossed the age of 45 years and her claim for employment was regretted. According to the management, no application was submitted by Maru Kole for employment of his son and the benefit of employment cannot be kept reserved for indefinite period due to non- availability of capable person. It is urged that the refusal to grant employment to the wife and son of Maru Kole by the management of Haripur Colliery is justified and they are not entitled to any relief.

4. The matter in controversy before this Tribunal is whether the management's refusal to provide employment to the wife or son of Maru Kole is justified? If not what relief the dependents are entitled to?

5. Union examined Doman Kole, son of late Maru Kole as WW-1. He filed his Examination-in-chief on affidavit. It is stated by the witness in his affidavit that his father Maru Kole was declared medically unfit under clause 9.4.3 (ii) and his service was terminated on 11.05.1991. His father nominated his younger brother for

employment and the proposal was forwarded to the Area on 15.07.1991. As he was suffering from Leprosy, his uncle was not found fit for employment. Maru Kole thereafter nominated his wife for employment and the proposal was sent to Area by the Colliery on 11.06.1993. After screening at the Area level, the proposal was forwarded to ECL Headquarter for providing employment to his wife but till date nothing has been communicated. The witness further stated that at the time of his father's termination from service, he was below eighteen years and now after attaining majority, the management should provide him employment. It is gathered from affidavit-in-chief that Fulia Devi, the wife of Maru Kole is too old to work in ECL and the son should be provided employment under the company and monetary compensation be paid to his mother until the son is employed. The witness was re-examined on 06.06.2023 for admitting some documents which were not produced earlier. The witness produced the following documents:

(i) A copy of letter dated 09.04.1991 by which his father Maru Kole was asked to appear before Area Medical Board is marked as Exhibit W-1.

(ii) A copy of letter dated 11.05.1991 by which Maru Kole was terminated from service under voluntary retirement scheme on medical grounds, is marked as Exhibit W-2.

(iii) Copy of letter dated 20.05.1992 by which Modi Kole, brother of Maru Kole was asked to appear before the screening committee is produced as Exhibit W-3.

(iv) Copy of letter dated 23.09.1993 issued to Fulia Devi for appearing before the screening committee for employment is produced as Exhibit W-4.

(v) Copy of minutes of meeting in three pages informing that the prayer for employment of Fulia Devi was regretted in 1994, is produced as Exhibit W-5.

(vi) Documents relating to the employment of Fulia Devi, wife of Maru Kole is produced as Exhibit W-6 collectively.

(vii) Copy of Note Sheet dated 16.04.1996 which states that Doman Kole was not nominated for employment is produced as Exhibit W-7.

Witness stated that no monetary compensation was paid to his mother and no employment was provided to him as dependent of his medically unfit father, Maru Kole.

6. In his cross-examination, the witness stated that at the time his father was declared medically unfit, he was 18 to 19 years of age. He denied the suggestion that as he was below eighteen years of age at the time of voluntary retirement on medical ground, he was not considered for employment.

7. Several opportunities were granted to management to adduce evidence in this case. On 14.07.2015, Mr. P.K. Goswami, learned advocate for the management of ECL submitted that the management will not adduce any evidence and evidence of both sides was closed. After opportunity was given to workman witness for his re-examination and re-cross-examination, the management once again was granted opportunity to adduce evidence but on 21.05.2024, the management did not produce any witness and their evidence was closed.

8. In the backdrop of this case pending for three and a half decades, Mr. Rakesh Kumar, union representative arguing the case for the dependent of Maru Kole submitted that Maru Kole has died during pendency of this case and at present his widow is too old for employment and is not under the consideration zone of employment. It is submitted that according to the provisions of 9.4.0 (ii) in the case of disablement of employee out of general physical debility

certified by the coal company, the employee concerned will be eligible for the benefit under this clause if he/she is upto age of 58 years. Referring to clause 9.5.0 (iii), it is submitted that one dependent of an employee is required to be provided with employment commensurating with his skill and qualifications and if the male dependent is 12 years and above in age, he will be kept on a live roster and on attaining the age of 18 years, he is required to be provided with employment. During the period the male dependent is on live roster, the female dependent has to be paid monetary compensation as per prevailing rates. Mr. Kumar argued that the brother of ex-employee was found medically unfit and after waiting for several years, the management did not provide employment to the wife of the ex-employee. In this case it is appropriate for the management of ECL to provide employment to Doman Kole, son of Maru Kole who was minor at the time of voluntary retirement of his father.

9. Mr. P.K. Goswami, learned advocate for the management of ECL refuted the claim of the union and argued that Maru Kole was medically unfit and Fulia Devi at the age of 46 was nominated for employment. On screening it was found that she had crossed the age for employment as provided in clause 9.5.0 (ii) where it is stated that in case of female dependent above 45 years of age, she will be entitled monetary compensation and not employment. Regarding the claim for employment of son, learned advocate referred to Exhibit W-7 where screening of Maru Kole was held for the purpose of providing employment to his dependent wife. In that screening report, Maru Kole clearly stated that he has not nominated his son Doman Kole as he felt that his son would not be able to perform the job as under ground Loader as he is not physically capable. Learned advocate submitted that no application was made for the employment of Doman Kole, son of Maru Kole and the management did not commit any illegality by not providing employment to Fulia Devi or Doman Kole, as per provisions of NCWA.

10. I have considered the arguments advanced on behalf of the union and the management of ECL in the light of pleading filed by the parties and the evidence adduced. Admittedly, Maru Kole was an employee of ECL who was declared medically unfit and was granted voluntary retirement from service with an order of termination w.e.f. 11.05.1991. It appears from the screening report of Maru Kole that his date of birth as per Form-B register is 04.03.1933. He was declared medically unfit on 30.04.1991 and his loss of employment was only for one year and ten months. From the provisions of clause 9.4.0 (ii) of NCWA, it is gathered that an employee whose disablement arises from general physical debility will be eligible for the benefits under the clause if he/she is upto the age of 58 years. In the present case, workman Maru Kole had exceeded the age of 58 years on the date of his termination on 11.05.1991. Under such circumstances, the dependents of such workman cannot be entitled to any employment according to the provisions of NCWA.

11. In the instant case, the workman witness in his affidavit-in-chief has stated that his mother is too old to work in ECL. She was found more than 45 years of age at the time of voluntary retirement of her husband. At the time of screening, Maru Kole clearly stated that he did not nominate his son Doman Kole for employment as he was not physically capable to take the work of UG loader. The screening took place on 16.04.1996 i.e. five years after the date of retirement. No formal application was filed for the employment of the son. Therefore, management did not have any occasion to consider the employment of son of an ex-employee. Even if for argument's sake, the nomination was made in favour of son for employment, I am of the view that the person would not have been entitled to get an employment in place of his father as the concerned employee had crossed the age of 58 years at the time of his being declared medically unfit.

12. In the instant case, I find from Exhibit W-6 that Maru Kole suffered loss of employment for a period of one year and ten months. The concerned employee has already died and it would be just and appropriate to grant a compensation to Fulia Devi, the dependent wife, equivalent to Maru Kole's salary for one year and ten months.

Hence,

**ORDERED**

The Industrial Dispute is allowed in part in favour of Fulia Devi, wife of Maru Kole. The management of ECL is directed to pay a monetary compensation to the wife of ex-employee equivalent to the last salary drawn by Maru Kole for a period of one year and ten months i.e. the period of loss of employment. The amount shall be paid within three months from communication of the Award. Let an Award be drawn up on the basis of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1185.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय**,चंडीगढ़-2 के पंचाट **(संदर्भ संख्या 56/2019)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **22/04/2025** को प्राप्त हुआ था।

[सं. एल. 23012/68/2019-आई.आर.सी-एम-II]

मणिकंदन.एन, उप. निदेशक

New Delhi, the 9th June, 2025

**S.O. 1185.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 56/2019)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **22/04/2025**

[No. L-23012/68/2019-IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**
**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.56/2019
Registered on:- 20.08.2019

Smt. Asha Wd/o Sh. Roshan Lal and others (LR of the deceased workman Roshan Lal) R/o Village Rouna, Post Office Jagatkhana, Tehsil Naina Devi, Distt. Bilaspur, Himachal Pradesh.

….……...Applicants

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh – 160019.
2. The Chief Engineer, Bhakra Beas Management Board, Sundernagar-175038.

…..Respondents/Managements

Present: Mr. S C Gupta, AR for workman.
Mr. Ravinder Rana, Law Officer for the respondents.

**Award**
**Passed on:- 02.04.2025**

Central Government vide Notification No.L-23012/68/2019-IR(CM-II), dated 25.07.2019, under clause (d) of sub-section (1) and subsection 2(A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**"Whether the action of management of BBMB in not accepting the demands of Smt. Asha & others, RH/LR of Late Roshan Lal, for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?"**

1. The brief facts related to the case are that the applicants are the legal heirs of Sh. Roshan Lal (deceased workman), who was engaged on 17.04.1972 in the construction of the Beas Sutluj Link Project {hereinafter called as BSL(P)}. The said project remained initially under the Management of Beas Control Board, which was constituted on 10.02.1961 and after enactment of Punjab Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was renamed as Beas Construction Board (hereinafter called "BCB") and also Bhakra Management Board, which was established w.e.f. 01.10.1967 and later on it was renamed as Bhakra Beas Management Board (hereinafter called as BBMB), which is working as such w.e.f. 15.05.1976. The workman of this project was considered as the employees of the Central Government by the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and others versus Union of India and Others AIR 1980 SC 115.*** The management made illegal retrenchment of the employees in phases and the deceased workman was also retrenched along with them. The deceased workman had completed 240 days in every calendar year and was not interrupted till his retrenchment. The workman was also retrenched by the employer on 24.11.1978 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G, Section 25-H and Rule 77 & 78 of the I.D. Act, 1947. The BSL (P) is an industrial establishment as per Section 25(L) of the Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the Act. Respondent also resorted to the unfair labour practice as defined in Section 2(ra) and fifth Schedule of Act. It is maintained that the deceased workman after his retrenchment remained ill and ultimately, he died on 08.07.1994. The deceased workman after his retrenchment did not remain in the gain full employed till his death.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 07.05.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 8.7.2014. Vide order dated 8.7.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar, JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the workman may kindly be allowed and retrenchment/discharge order dated 24.11.1978 of the deceased workman be held illegal and the workman be considered in continuous service up to July, 1994 (when workman died) and the management may be directed to release all consequential benefits till July, 1994 instead of 24.11.1978.

3. Management filed written statement, alleging therein that the applicants are the legal heirs of the deceased workman, and their application is not maintainable under the provisions of the Act and the applicants raised the present dispute at a belated stage after 41 years without furnishing any plausible reason for extraordinary delay. The deceased workman Sh. Roshan Lal was Ex-work charged employee of Beas Construction Board (BCB), which was constituted under Section 80(1) of the Re-organization Act.

The deceased workman was retrenched after completion/part completion of the works of BCB in accordance with the provisions of the Act. The deceased workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board (hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The deceased workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a writ petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,***in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the applicants is hopelessly time barred and the applicants being legal heirs has no legal right to file claim petition under the Act. It is prayed that claim be dismiss.

**Evidence of parties:**

4. Parties were given opportunity to lead evidence.

5. Applicant has examined herself as WW1 and filed her affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. She also tendered document Ex.WW1/1 Discharge Certificate of the deceased workman. AR for workman closed the evidence on 06.10.2023.

**6.** The management has filed affidavit of Er. Dinesh Kumar S/o Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance and Plant Design Division, BBMB Sundernagar, Distt. Mandi, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman and the evidence of management was closed on 16.10.2024 and the case is fixed for arguments.

**Submissions of Applicants:**

7. While arguing the case, ld. counsel for the applicant contended that in this case, claim has been filed by the LR of deceased, who expired on 08.07.1994 and as per law laid down by Hon'ble Supreme Court and various Hon'ble High Courts, claim can be filed even after the death of the applicant. To support this view, he placed reliance upon the in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another, 1995(6) SLR 680***, ***Bharathamma and others versus The Labour Court and another (WP No.11342 of 1994) 1995(2) Andh. LD 472*** and ***Rameshwar Manjhi versus Management of Sangaramgarh Colliery (1994 AIR 1176, 1994 SCC (1) 292.*** He further contended that in this case deceased workman was discharged on 24.11.1978 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the Act which provides re-employment of retrenched deceased workman. He further has drawn the attention of the Court towards the statement of wife of deceased workman. He was required to be adjust in view of under Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. He also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the Act.

**Submissions of management:-**

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the

component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Deceased workman Sh. Roshan Lal was employed as work charged employee on 17.04.1972 and was retrenched on 24.11.1978. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India. AR for management further argued that as per Rule 4 of the Industrial Dispute (Central) Rules 1957, the application and the statement can be signed by the workman himself or by any officer of the trade union of which he is member or by another workmen in the same establishment duly authorized by him in his behalf and since in this case, application has not been moved by the applicant, the claim is not maintainable and is liable to be dismissed.

9. So far as the claim of the applicant regarding re-employment after retrenchment on 24.11.1978 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

> ***"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Because the deceased workman Sh. Roshan Lal had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 24.11.1978 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as the legal heirs have filed the present claim petition in the year 2019**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 35 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018*** where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 17.04.1972 and was discharged on 24.11.1978 and the legal heirs has sought re-employment after 35 years which was held to be highly time barred. Thus, he contended that claim of applicant is time barred. Deceased workman was discharged on 24.11.1978 and thereafter his legal heir filed present claim before the Labour Conciliation Officer.

**Findings:**

11. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the respondents.

12. So far as this contention of the AR for the respondents that in this case, application is not maintainable by LRs concerned, the same is devoid of merit as Hon'ble High Court of Andhra Pradesh in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** and ***Bharathamma and others versus The Labour Court and another (supra)*** has categorically held that in case workman had died, then even LRs of the deceased can move an application in respect of the monetary benefits. The relevant para 14 & 15 of ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** are produced as under:

> *14. As already pointed out supra the question weather the legal heirs/representatives of a deceased-workman can raise an industrial dispute directly under Section 2-A(2) of the Act did not arise for consideration in any of the decisions of the High Courts or in Rameshwar Manjhi's case (supra). But the Supreme Court in para 13 in the context of an industrial dispute filed under Section 2-A of the Act has laid down the law that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the proceedings. If according to the Apex Court if a pending proceedings can be continued by the legal heirs/representatives of the deceased workman after the death of the workman during the pendency of the proceedings, there is no good reason to hold that such legal representatives/heirs are incompetent to institute the dispute before the Industrial Court after the death of a workman have locus standi to continue an industrial dispute instituted by such workman in a Labour Court in law, then they are also competent to institute such workman. The observation of the Supreme Court in paras 11 and 12 in general and in para 13 in particular read with the views expressed by the Calcutta (sic. Kerala) High Court in Gwalior Rayon's case (supra) and that of the Gujarat High Court in Bank of Baroda's case (supra) which views are affirmed by the Apex Court in Rameshwar Manjhi's case clearly go to show that legal heirs/representatives of a deceased workman can institute industrial dispute before the jurisdictional Labour Court after the death of such workman.*
>
> *15. This question may be considered from another angle as well. As pointed out supra, the Labour Court in exercise of its discretionary power under Section 11-A of the Act can grant reliefs of reinstatement or lumpsum compensation in lieu of reinstatement, back wages, continuity of services or any other appropriate relief, pecuniary or otherwise having regard to the facts and circumstances of each case. In the present case if the workman were to alive he would have instituted the industrial dispute in the Labour Court and there was absolutely no legal impediment for him to do so and if the Industrial Court were to uphold the claim of the workman it would have granted the relief of reinstatement or lumpsum compensation in lieu of reinstatement, back wages and other reliefs. If that is so what the deceased workman himself would have been awarded by the Labour Court except the relief of reinstatement had he be survived, should be considered to be a part of his estate. The learned Authors Clerk & Lindsell on Torts have pointed out that since it is the deceased's own cause of action which survives for the benefit of his estate, the estate should recover such damages as the deceased himself would have been awarded had he survived. Therefore it should be held that with the death of the workman the cause of action to seek reliefs contemplated under the Act from the Labour Court does not die with him in totality and the causes of action to recover lumpsum compensation in lieu of reinstatement and back-wages do survive for the benefit of his estate. Recognizing this position and in order to resolve the conflict of opinions existed earlier among several High Courts, the Legislature inserted sub-section (8) in Section 10 by Amending Act 46 of 1982 and after the amendment proceedings before any adjudicatory authority in relation to an industrial dispute shall not lapse merely be reason of the death of any of the parties to the dispute being a workman and the adjudicator is enjoined to complete such proceedings and submit his award to appropriate Government. There cannot be any dispute that the petitioners-legal heirs of the deceased workman are entitled to the estate left behind the workman. This is so having regard to the provisions of Section 306 of the Indian Succession Act and the observation of the Division Bench of the Gujarat High Court in the case of Bank of Baroda extracted above and approved by the Apex Court. In that view of the matter I am in respectful agreement with the view taken by may learned brother S. Dasaradha Rama Reddy, J.* ***in Bharathamma & Others v. The Labour Court (supra)*** *and it does not require any reconsideration.*

Thus, application on behalf of LRs is maintainable and arguments advanced by the AR for respondents is not maintainable.

13. The management relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of

petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

> ***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

> ***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***
>
> ***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***
>
> ***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***
>
> ***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***
>
> ***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New***

***Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Hon'ble Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal, respondents were asked to produce the settlement arrived between the 12

union of the work charged employee and management under Section 12 of Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***

***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the***

***state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the applicant that respondents also appointed fresh workmen, but preference was not given to her late husband during his lifetime, which is in clear violation of section 25-H of the Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents has admitted that they have engaged fresh workmen but preference was not given to the deceased workman during his life time.

22. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

***77. Maintenance of seniority list of workmen***. *-The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*

***78. Re-employment of retrenched workmen. -*** *(1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*

*Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*

*Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*

*Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*

*(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

*Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in ***Jaswant Singh case (supra)*** in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2019. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra).*** Moreover, limitation was added in Section 2A of the Act in the year 2010 (15.09.2010) and deceased workman was dismissed from service on 24.11.1978 and AR for respondents has failed to bring this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)*** has held as follow:

> *"42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter."*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

> *"31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation."*

29. Hon'ble Supreme Court has also referred in the said case decision of ***Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr***.(***AIR 1999 Supreme Court 1351***), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

> *"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case of the appellant. It is also added here that so far as the case ***Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)*** and ***Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others (supra)*** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra),*** the same is not attracted to the facts and circumstance of the present case in view of the judgment ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)***, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that Smt. Asha Devi, LR of deceased workman in her affidavit nowhere stated that retrenchment compensation was paid to her husband. In her cross examination, she has stated that she has no knowledge whether her husband was paid retrenchment compensation. Remaining silent in her affidavit that her husband was not paid any retrenchment compensation meaning thereby that her husband was paid retrenchment compensation by the management. Moreover, in written statement, stand of the respondents is that the deceased workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the Act and other relevant laws. Thus, it shall be presumed that deceased workman was given retrenchment compensation. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. Deceased workman Sh. Roshan Lal was employed on 17.04.1972 and was retrenched on 24.11.1978 as mentioned in Discharge Certificate (Ex.WW1/1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 6 year and about 7 months (more than 5 years), so the legal heirs of the deceased workman are entitled for Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1186.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, चंडीगढ़-2 के पंचाट (संदर्भ संख्या 54/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/04/2025 को प्राप्त हुआ था।

[सं. एल. 23012/76/2019-आई.आर.सी-एम-II]

मणिकंदन. एन, उप. निदेशक

New Delhi, the 9th June, 2025

**S.O. 1186.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/2019) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2 as shown in the Annexure, in the industrial dispute between the Management of Ms. BBMB and their workmen received by the Central Government on 22/04/2025

[No. L-23012/76/2019– IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**
**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.54/2019
Registered on:- 20.08.2019

Smt. Leela Devi Wd/o Late Shri Tulsi Ram and others LRs of the deceased workman Shri Tulsi Ram, R/o Village Sindher, PO Talyana, Tehsil Ghumarwin, Distt. Bilaspur, Himachal Pradesh.

…….....Applicants

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh -160019.
2. The Chief Engineer, Bhakra Beas Management Board, BSL Project Sundernagar, Distt. Mandi, (HP).

…..Respondents/Managements

Present: Mr. S C Gupta, AR for workman.
Mr. Ravinder Rana, Law Officer for the respondents.

**Award**

**Passed on:- 02.04.2025**

Central Government vide Notification No.L-23012/76/2019-IR(CM-II), dated 26.07.2019, under clause (d) of sub-section (1) and subsection 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**"Whether the action of management of BBMB in not accepting the demands of Smt. Leela Devi & Others (legal heirs/legal representatives of late Shri Tulsi Ram) for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?"**

1. The brief facts related to the case are that the applicants are legal heirs of Sh. Tulsi Ram (deceased workman), who was engaged on 12.06.1965 for the construction of the Beas Sutluj Link Project {hereinafter called as BSL(P)}. The said project remained initially under the Management of Beas Control Board, which was constituted on 10.02.1961 and after enactment of Punjab Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was renamed as Beas Construction Board (hereinafter called "BCB") and also Bhakra Management Board, which was established w.e.f. 01.10.1967 and later on it was renamed as Bhakra Beas Management Board (hereinafter called as BBMB), which is working as such w.e.f. 15.05.1976. The workman of this project was considered as the employees of the Central Government by the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and others versus Union of India and Others AIR 1980 SC 115***. The management made illegal retrenchment of the employees in phases and the deceased workman was also retrenched along with them. The deceased workman had completed 240 days in every calendar year and was not interrupted till his retrenchment and the retrenchment is illegal and in violation of Section 25F, 25H, Rule 77 and 78 of the Act. The deceased workman was also retrenched by the employer on 11.01.1977 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, management appointed fresh workmen/employees, violating Section 25-H of the I.D. Act. The BSL (P) is an industrial establishment as per Section 25(L) of the Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the Act. It is maintained that the deceased workman after his retrenchment remained ill and could not raised the dispute during the period but raised his voice for re-employment through the union and ultimately, he died on 19.05.2008. The deceased workman after his retrenchment did not remain in the gain full employed till his death.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 07.05.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 08.07.2014. Vide order dated 08.07.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar, JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the applicant may kindly be allowed and retrenchment/discharge order dated 11.01.1977 of the deceased workman be held illegal and the workman be considered in continuous service up to April, 2007, when he was to superannuate and the management may be directed to release all consequential benefits till April, 2007 instead of 11.01.1977.

3. Respondents filed written statement, alleging therein that the applicant are legal heirs of the deceased workman and their application is not maintainable under the provisions of the Act and the applicants raised the present dispute at a belated stage after 40 years without furnishing any plausible reason for extraordinary delay. The deceased workman was Ex-work charged employee of Beas Construction Board (BCB), which was constituted under Section 80(1) of the Re-organization Act. The deceased workman Sh. Tulsi Ram was retrenched after completion/part completion of the works of BCB in accordance with the provisions of the Act. The deceased workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board (hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a writ petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,*** in which their claim for absorbing them in BBMB is not granted instead their retrenchment from

BCB was upheld. Remaining averments have been denied and it is stated that the claim of the applicant is hopelessly time barred and the applicant being legal heirs has no legal right to file claim petition under the Act. It is prayed that claim be dismiss.

**Evidence of parties:**

4. Parties were given opportunity to lead evidence.

5. Applicant Smt. Leela Devi has examined herself as WW1 and filed her affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. She also tendered document Ex.W-1 Discharge Certificate and Ex.W-2 Death Certificate of workman. AR for workman closed the evidence on behalf of workman on 07.02.2024.

**6.** The management has filed affidavit of Er. Dinesh Kumar S/o Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance and Plant Design Division, BBMB Sundernagar, Distt. Mandi, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned AR of workman. He tendered into evidence copy of service record of workman Ex.MW1/B and closed the evidence on behalf of management on 16.10.2024 and the case is fixed for arguments.

**Submissions of Applicant:**

7. While arguing the case, ld. AR for the applicant contended that in this case, claim has been filed by the LR of deceased, who expired on 19.05.2008 and as per law laid down by Hon'ble Supreme Court and various Hon'ble High Courts, claim can be filed even after the death of the applicant. To support this view, he placed reliance upon the in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another, 1995(6) SLR 680***, ***Bharathamma and others versus The Labour Court and another (WP No.11342 of 1994) 1995(2) Andh. LD 472*** and ***Rameshwar Manjhi versus Management of Sangaramgarh Colliery (1994 AIR 1176, 1994 SCC (1) 292.*** He further contended that in this case deceased workman was discharged on 11.01.1977 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the Act which provides re-employment of retrenched deceased workman. He further has drawn the attention of the Court towards the statement of wife of deceased workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. He also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the Act.

**Submissions of management:-**

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Deceased workman Sh. Tulsi Ram was employed as work charged employee on 12.06.1965 and was retrenched on 11.01.1977. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India. AR for management further argued that as per Rule 4 of the Industrial Dispute (Central) Rules 1957, the application and the statement can be signed by the workman himself or by any officer of the trade union of which he is member or by another workmen in the same establishment duly authorized by him in his behalf

and since in this case, application has not been moved by the applicant, the claim is not maintainable and is liable to be dismissed.

9. So far as the claim of the applicant regarding re-employment after retrenchment on 11.01.1977 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

> ***It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Learned representative for the management further contended that in this case workman was retrenched on 11.01.1977 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as the legal heirs have filed the present claim petition in the year 2019**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 40 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018***, where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 12.06.1965 and was discharged on 11.01.1977 and the legal heir has sought re-employment after 40 years which was held to be highly time barred. Thus, he contended that claim of applicant is time barred. Deceased workman was discharged on 11.01.1977 and thereafter his legal heir filed present claim before the Labour Conciliation Officer.

**Findings:**

11. I have given due consideration to the arguments advanced by the learned AR for the applicants and also for the respondents.

12. So far as this contention of the AR for the respondents that in this case, application is not maintainable by LRs concerned, the same is devoid of merit as Hon'ble High Court of Andhra Pradesh in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** and ***Bharathamma and others versus The Labour Court and another (supra)*** has categorically held that in case workman had died, then even LRs of the deceased can move an application in respect of the monetary benefits. The relevant para 14 & 15 of ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** are produced as under:

> *14. As already pointed out supra the question weather the legal heirs/representatives of a deceased-workman can raise an industrial dispute directly under Section 2-A(2) of the Act did not arise for consideration in any of the decisions of the High Courts or in Rameshwar Manjhi's case (supra). But the Supreme Court in para 13 in the context of an industrial dispute filed under Section 2-A of the Act has laid down the law that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the*

*proceedings. If according to the Apex Court if a pending proceedings can be continued by the legal heirs/representatives of the deceased workman after the death of the workman during the pendency of the proceedings, there is no good reason to hold that such legal representatives/heirs are incompetent to institute the dispute before the Industrial Court after the death of a workman have locus standi to continue an industrial dispute instituted by such workman in a Labour Court in law, then they are also competent to institute such workman. The observation of the Supreme Court in paras 11 and 12 in general and in para 13 in particular read with the views expressed by the Calcutta (sic. Kerala) High Court in Gwalior Rayon's case (supra) and that of the Gujarat High Court in Bank of Baroda's case (supra) which views are affirmed by the Apex Court in Rameshwar Manjhi's case clearly go to show that legal heirs/representatives of a deceased workman can institute industrial dispute before the jurisdictional Labour Court after the death of such workman.*

*15. This question may be considered from another angle as well. As pointed out supra, the Labour Court in exercise of its discretionary power under Section 11-A of the Act can grant reliefs of reinstatement or lumpsum compensation in lieu of reinstatement, back wages, continuity of services or any other appropriate relief, pecuniary or otherwise having regard to the facts and circumstances of each case. In the present case if the workman were to alive he would have instituted the industrial dispute in the Labour Court and there was absolutely no legal impediment for him to do so and if the Industrial Court were to uphold the claim of the workman it would have granted the relief of reinstatement or lumpsum compensation in lieu of reinstatement, back wages and other reliefs. If that is so what the deceased workman himself would have been awarded by the Labour Court except the relief of reinstatement had he be survived, should be considered to be a part of his estate. The learned Authors Clerk & Lindsell on Torts have pointed out that since it is the deceased's own cause of action which survives for the benefit of his estate, the estate should recover such damages as the deceased himself would have been awarded had he survived. Therefore it should be held that with the death of the workman the cause of action to seek reliefs contemplated under the Act from the Labour Court does not die with him in totality and the causes of action to recover lumpsum compensation in lieu of reinstatement and back-wages do survive for the benefit of his estate. Recognizing this position and in order to resolve the conflict of opinions existed earlier among several High Courts, the Legislature inserted sub-section (8) in Section 10 by Amending Act 46 of 1982 and after the amendment proceedings before any adjudicatory authority in relation to an industrial dispute shall not lapse merely be reason of the death of any of the parties to the dispute being a workman and the adjudicator is enjoined to complete such proceedings and submit his award to appropriate Government. There cannot be any dispute that the petitioners-legal heirs of the deceased workman are entitled to the estate left behind the workman. This is so having regard to the provisions of Section 306 of the Indian Succession Act and the observation of the Division Bench of the Gujarat High Court in the case of Bank of Baroda extracted above and approved by the Apex Court. In that view of the matter I am in respectful agreement with the view taken by may learned brother S. Dasaradha Rama Reddy, J.* ***in Bharathamma & Others v. The Labour Court (supra)*** *and it does not require any reconsideration.*

Thus, application on behalf of LRs is maintainable and arguments advanced by the AR for respondents is not maintainable.

13. The management relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad-hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities.***

***It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***

***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***

***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment9 and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***

***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***

***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Hon'ble Supreme Court, it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal, respondents were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***

***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including***

***financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the applicant that respondents also appointed fresh workmen, but preference was not given to her late husband during his lifetime, which is in clear violation of section 25-H of the Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents have admitted that they have engaged fresh workmen but preference was not given to the deceased workman during his life time.

22. Admittedly, in this case, no effort was made by the respondents to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

***77. Maintenance of seniority list of workmen**. -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*

***78. Re-employment of retrenched workmen. -** (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched*

*workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*

*Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*

*Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*

*Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*

*(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

*Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present respondents were directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present respondents that no relief can be granted against present respondents as deceased husband of applicant was not their employee.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of

production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondents Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in ***Jaswant Singh case (supra)*** in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondents that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2019. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra).*** Moreover, limitation was added in Section 2A of the Act in the year 2010 (15.09.2010) and deceased workman was dismissed from service on 11.01.1977 and AR for respondents has failed to bring this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)*** has held as follow:

> *"42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter."*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

> *"31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation."*

29. Hon'ble Supreme Court has also referred in the said case decision of ***Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr***.(***AIR 1999 Supreme Court 1351***), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

> *"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case of the appellant. It is also added here that so far as the case ***Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)*** and ***Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others (supra)*** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra),*** the same is not attracted to the facts and circumstance of the present case in view of the judgment ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)***, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that Smt. Leela Devi, LR of deceased workman in her affidavit nowhere stated that retrenchment compensation was not paid to her husband. In her cross examination, she has stated that she does not know when her husband was retrenched and he was paid compensation etc. Remaining silent in her affidavit that her husband was not paid any retrenchment compensation meaning thereby that her husband was paid retrenchment compensation by the management. Moreover, in written statement, stand of the respondents is that the deceased workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the Act and other relevant laws. Thus, it shall be presumed that deceased workman was given retrenchment compensation. Even a perusal of service record (MW1/B) of deceased workman reveals that he was paid gratuity etc. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. Deceased workman Sh. Tulsi Ram was employed on 12.06.1965 and was retrenched on 11.01.1977 as mentioned in Discharge Certificate (Ex.W-1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 11 year and about 7 months (more than 5 years), so the applicants are entitled for Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1187.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण** -सह - **श्रम न्यायालय**,चंडीगढ़-2 के पंचाट **(संदर्भ संख्या 67/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **22/04/2025** को प्राप्त हुआ था।

[सं. एल. 23012/152/2018-आई.आर.सी-एम-II]

मणिकंदन.एन, उप. निदेशक

New Delhi, the 9th June, 2025

**S.O. 1187.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 67/2018)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **22/04/2025**

[No. L-23012/152/2018-IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**
**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.67/2018

Registered on:- 11.12.2018

1. Giano Devi wife of Lt. Sh. Arjan @ Arjan Ram
2. Mukhtiar son of Lt. Sh. Arjan @ Arjan Ram
3. Sunita Devi daughter of Sh. Arjan @ Arjan Ram
   All residents of Village Badron, PO Hawan (Talyana), Tehsil Ghumarwin, Distt. Bilaspur (HP)

…….....Applicants

Versus

3. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
4. The Chief Engineer, BSL Project/BBMB Sundernagar, Distt. Mandi, (HP).

…..Respondents/Managements

Present: Mr. R S Dhiman, AR for workman.
Mr. Ravinder Rana, Law Officer for the respondents.

**Award**

**Passed on:- 13.03.2025**

Central Government vide Notification No.L-23012/152/2018-IR(CM-II), dated 16.11.2018, under clause (d) of sub-section (1) and subsection 2(A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

> **"Whether the action of management of BBMB in not accepting the demands of Smt. Giano Devi & Others, LH/LR of Late Arjan @ Arjan Ram, for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If**

**not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?"**

1. The brief facts related to the case are that the applicants are legal heirs of Sh. Arjan @ Arjan Ram (deceased workman), who was workman in the construction of the Beas Sutluj Link Project {hereinafter called as BSL(P)}. The said project remained initially under the Management of Beas Control Board, which was constituted on 10.02.1961 and after enactment of Punjab Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was renamed as Beas Construction Board (hereinafter called "BCB") and also Bhakra Management Board, which was established w.e.f. 01.10.1967 and later on it was renamed as Bhakra Beas Management Board (hereinafter called as BBMB), which is working as such w.e.f. 21.06.1971. The workman of this project was considered as the employees of the Central Government by the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and others versus Union of India and Others AIR 1980 SC 115***. The deceased Arjan @ Arjan Ram had joined on 21.06.1971 in PPC division and was discharged on 21.01.1978. The management made illegal retrenchment of the employees in phases and the deceased workman was also retrenched along with them. The deceased workman had completed 240 days in every calendar year and was not interrupted till his retrenchment. The workman was also retrenched by the employer on 21.01.1978 and copy of discharge certificate was issued by the office of **Sub Divisional Officer, BBMB Sundernagar** in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G, Section 25-H and Rule 77 & 78 of the I.D. Act, 1947. The BSL (P) is an industrial establishment as per Section 25(L) of the ID Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the ID Act. Respondent also resorted to the unfair labour practice as defined in Section 2(ra) and fifth Schedule of ID Act. It is maintained that the deceased workman after his retrenchment remained ill and could not raised the dispute during the period but raised his voice for re-employment through the union and ultimately, he died on 05.11.1995. The deceased workman after his retrenchment did not remain in the gain full employed till his death.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 07.05.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 8.7.2014. Vide order dated 8.7.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar, JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the workman may kindly be allowed and retrenchment/discharge order dated 21.01.1978 of the deceased workman be held illegal and legal heirs be provided employment in place of deceased (on account of completing the age of superannuation) in the same with other benefits in the category with continuity in service (seniority) from the time of his illegal termination and since the deceased workman has crossed the age of superannuation, therefore, his LRs be paid back wages, compensation, regularization, pension, due and admissible gratuity, leave encashment, other retiral benefits along with consequential service benefits.

3. Management filed written statement, alleging therein that the applicants are the legal heirs of the deceased workman, which is prohibited under the provisions of the ID Act and the applicants raised the present dispute at a belated stage after 32 years without furnishing any plausible reason for extraordinary delay. The deceased workman was Ex-work charged employee of Beas Construction Board (BCB), which was constituted under Section 80(1) of the Re-organization Act. The deceased workman was retrenched after completion/part completion of the works of BCB in accordance with the provisions of the ID Act. The deceased workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board (hereinafter called as BMB) constituted under Section 79(1) of the Re-

organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a writ petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,***in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the applicants is hopelessly time barred and the applicants being legal heirs has no legal right to file claim petition under the ID Act. It is prayed that claim be dismiss.

4. Parties were given opportunity to lead evidence.

5. Applicant No.1 Smt. Giano Devi has examined herself as WW1 and filed her affidavit in evidence as Ex.W1/A and has been cross-examined by the law officer of management. She also tendered document Ex.W-1/1 Identity Card, Ex.W-1/2 Discharge Certificate, Ex. W-1/3 Death Certificate, Ex.W-1/4 Legal heir certificate and Ex.W-1/5 Ration Card Copy.

**6.** The management has filed affidavit of Er. Dinesh Kumar S/o Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance and Plant Design Division, BBMB Sundernagar, Distt. Mandi, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman. He tendered into evidence copy of service book of workman Ex.MW-1/B and closed the evidence on behalf of management on 16.10.2024 and the case is fixed for arguments.

**Submissions of Applicants:**

7. While arguing the case, ld. counsel for the applicant contended that in this case, claim has been filed by the LR of deceased, who expired on 05.11.1995 and as per law laid down by Hon'ble Supreme Court and various Hon'ble High Courts, claim can be filed even after the death of the applicant. To support this view, he placed reliance upon the in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another, 1995(6) SLR 680***, ***Bharathamma and others versus The Labour Court and another (WP No.11342 of 1994) 1995(2) Andh. LD 472*** and ***Rameshwar Manjhi versus Management of Sangaramgarh Colliery (1994 AIR 1176, 1994 SCC (1) 292.*** He further contended that in this case deceased workman was discharged on 21.01.1978 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched deceased workman. He further has drawn the attention of the Court towards the statement of wife of deceased workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957(hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. He also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act.

**Submissions of management:-**

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Deceased workman Sh. Arjan @ Arjan Ram was employed as work charged employee on 21.06.1971 and was retrenched on 21.01.1978. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of

India. AR for management further argued that as per Rule 4 of the Industrial Dispute (Central) Rules 1957, the application and the statement can be signed by the workman himself or by any officer of the trade union of which he is member or by another workmen in the same establishment duly authorized by him in his behalf and since in this case, application has not been moved by the applicant, the claim is not maintainable and is liable to be dismissed.

9. So far as the claim of the applicants regarding re-employment after retrenchment on 21.01.1978 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

> ***"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Because the deceased workman Sh. Arjan @ Arjan Ram had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 21.01.1978 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as the legal heirs have filed the present claim petition on 16.11.2018**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 32 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018*** where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. In the present case workman was engaged on 21.06.1971 and was discharged on 21.01.1978 and the legal heirs has sought re-employment after 32 years which was held to be highly time barred. Thus, he contended that claim of applicants is time barred. Deceased workman was discharged on 21.01.1978 and thereafter his legal heirs filed present claim before the Labour Conciliation Officer.

**Findings:**

11. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the management.

12. So far as this contention of the AR for the management that in this case, application is not maintainable by LRs concerned, the same is devoid of merit as Hon'ble High Court of Andhra Pradesh in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** and ***Bharathamma and others versus The Labour Court and another (supra)*** has categorically held that in case workman had died, then even LRs of the deceased can move an application in respect of the monetary benefits. The relevant para 14 & 15 of ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** are produced as under:

> *14. As already pointed out supra the question weather the legal heirs/representatives of a deceased-workman can raise an industrial dispute directly under Section 2-A(2) of the Act did not arise for consideration in any of the decisions of the High Courts or in Rameshwar Manjhi's case (supra). But the Supreme Court in para 13 in the context of an industrial dispute filed under Section 2-A of the Act has laid down the law that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the proceedings. If according to the Apex Court if a pending proceedings can be continued by the legal heirs/representatives of the deceased workman after the death of the workman during the pendency of the proceedings, there is no good reason to hold that such legal representatives/heirs are incompetent to institute the dispute before the Industrial Court after the death of a workman have locus standi to continue an industrial dispute instituted by such*

*workman in a Labour Court in law, then they are also competent to institute such workman. The observation of the Supreme Court in paras 11 and 12 in general and in para 13 in particular read with the views expressed by the Calcutta (sic. Kerala) High Court in Gwalior Rayon's case (supra) and that of the Gujarat High Court in Bank of Baroda's case (supra) which views are affirmed by the Apex Court in Rameshwar Manjhi's case clearly go to show that legal heirs/representatives of a deceased workman can institute industrial dispute before the jurisdictional Labour Court after the death of such workman.*

*15. This question may be considered from another angle as well. As pointed out supra, the Labour Court in exercise of its discretionary power under Section 11-A of the Act can grant reliefs of reinstatement or lumpsum compensation in lieu of reinstatement, back wages, continuity of services or any other appropriate relief, pecuniary or otherwise having regard to the facts and circumstances of each case. In the present case if the workman were to alive he would have instituted the industrial dispute in the Labour Court and there was absolutely no legal impediment for him to do so and if the Industrial Court were to uphold the claim of the workman it would have granted the relief of reinstatement or lumpsum compensation in lieu of reinstatement, back wages and other reliefs. If that is so what the deceased workman himself would have been awarded by the Labour Court except the relief of reinstatement had he be survived, should be considered to be a part of his estate. The learned Authors Clerk & Lindsell on Torts have pointed out that since it is the deceased's own cause of action which survives for the benefit of his estate, the estate should recover such damages as the deceased himself would have been awarded had he survived. Therefore it should be held that with the death of the workman the cause of action to seek reliefs contemplated under the Act from the Labour Court does not die with him in totality and the causes of action to recover lumpsum compensation in lieu of reinstatement and back-wages do survive for the benefit of his estate. Recognizing this position and in order to resolve the conflict of opinions existed earlier among several High Courts, the Legislature inserted sub-section (8) in Section 10 by Amending Act 46 of 1982 and after the amendment proceedings before any adjudicatory authority in relation to an industrial dispute shall not lapse merely be reason of the death of any of the parties to the dispute being a workman and the adjudicator is enjoined to complete such proceedings and submit his award to appropriate Government. There cannot be any dispute that the petitioners-legal heirs of the deceased workman are entitled to the estate left behind the workman. This is so having regard to the provisions of Section 306 of the Indian Succession Act and the observation of the Division Bench of the Gujarat High Court in the case of Bank of Baroda extracted above and approved by the Apex Court. In that view of the matter I am in respectful agreement with the view taken by may learned brother S. Dasaradha Rama Reddy, J.* ***in Bharathamma & Others v. The Labour Court (supra)*** *and it does not require any reconsideration.*

Thus, application on behalf of LRs is maintainable and arguments advanced by the AR for respondents is not maintainable.

13. The management relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra***

***Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***

***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***

***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment9 and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***

***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***

***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under***

***that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal. Respondent were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***

***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a***

***formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the applicant that respondents also appointed fresh workmen, but preference was not given to her late husband during his lifetime, which is in clear violation of section 25-H of the ID Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents has admitted that they have engaged fresh workmen but preference was not given to the deceased workman during his life time.

22. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

***77. Maintenance of seniority list of workmen**. -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*

***78. Re-employment of retrenched workmen. -** (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched*

*workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*

*Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*

*Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*

*Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*

*(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

*Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the ID Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further,

CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in ***Jaswant Singh case (supra)*** in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2018. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jawant Singh case (Supra).*** Moreover, limitation was added in Section 2A of the ID Act in the year 2010 (15.09.2010) and deceased workman was dismissed from service on 21.01.1978 and AR for respondents has failed to brought this fact that the aforesaid provision was retrospective. Therefore, it cannot be said that case of applicant was beyond limitation.

28. However, it is added that workman was allowed terminal benefits as Smt. Giano Devi, LR of deceased workman in her cross examination has admitted that notice was served to her husband prior to retrenchment and discharge certificate Ex.W-1/2 was issued to her husband, but she did not remember how much amount was paid to her husband, meaning thereby that retrenchment compensation has been paid to the deceased workman. Moreover, it is also not case of the applicant that there is breach of Section 25 F of the Act.

29. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

30. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

31. Deceased workman Arjan @ Arjan Ram was employed on 21.06.1971 and was retrenched on 21.01.1978 as mentioned in Discharge Certificate (Ex.W-1/2) issued by Sub Divisional Officer, BBMB

Sundernagar, and has worked for 6 year and about 7 months (more than 5 years), so the applicants are entitled for Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

32. The reference is answered accordingly and stands disposed off.

33. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1188.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण** -सह - **श्रम न्यायालय**, चंडीगढ़-2 के पंचाट **(संदर्भ संख्या 85/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **07/04/2025** को प्राप्त हुआ था।

[सं. एल.-23012/114/2018-आई.आर.सी-एम-II]

मणिकंदन.एन. उप. निदेशक

New Delhi, the 9th June, 2025

**S.O. 1188.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 85/2018)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **07/04/2025**

[No. L-23012/114/2018-IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh**

**(Presided over by Mr. Kamal Kant).**

**Special Campaign for Settlement**

ID No.85/2018

Registered on:-11.12.2018

1.Mohini Devi Wd/o Hari Singh
2.Virender Singh S/o Hari Singh
3.Diwan Singh S/o Hari Singh
4.Narvada Devi D/o Hari Singh
All R/o VPO Jugahan, Tehsil Sunder Nagar, Distt. Mandi, Himachal Pradesh.

-------- Applicants

Versus

1. The Bhakra Beas Management Board, through its Chairman, Madhya Mard, Sector 19-B, Chandigarh
2. The Chief Engineer, BSL Project/BBMB, Sundernagar, Distt. Mandi, Himachal Pradesh.

----Respondents

Present:- None for Applicants
None for respondents.

**Award : 08.03.2025**

Central Government vide Notification No.L-23012/114/2018 (IR(CM-II)) dated 16.11.2018, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

***"Whether the action of management of BBMB in not accepting the demands of Smt. Mohini Devi & Ors., Lh/LR of late Hari Singh for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?"***

1.The matter is fixed for filing affidavit by the applicants since 09.07.2024. However, no one is turning up on behalf of applicants since 20.11.2024 and the matter was adjourned for 09.12.2024 and 18.02.2025 and the case is put up in lok adalat. Today also no one turned up on behalf of the applicants. The applicants have been given sufficient opportunities to file affidavit but none turned up in spite of the opportunities afforded to the applicants for filing affidavit of evidence, which shows that the applicants are not interested in adjudication of the matter on merit.

2.Since the applicants have put neither their appearance nor they have filed their affidavit to prove his case against the respondents, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1189.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण** -सह - **श्रम न्यायालय**, चंडीगढ़-2 के पंचाट **(संदर्भ संख्या 60/2020)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **22/04/2025** को प्राप्त हुआ था।

[सं. एल.-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन.एन. उप. निदेशक

New Delhi, the 9th June, 2025

**S.O. 1189.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 60/2020)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **22/04/2025.**

[No. L-22013/01/2025-IR (CM-II)]

MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.60/2020

Registered on:-24.09.2020

Ram Lal S/o Sh. Ganga Ram, R/o Village and PO Jagatkhana, Tehsil Nainadevi, Distt. Bilaspur, Himachal Pradesh.

……....Applicant/Workman

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board, BSL Project, Sundernagar-175038.

…..Respondents/Management

Present:- Mr. S C Gupta, AR for workman.
Sh. Ravinder Rana (Law Officer), AR for Management.

**Award**
**Passed on:- 03.04.2025**

Central Government vide Notification No.ID-8(12)2019/B-IV/CHD dated 18.09.2020 under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**"Whether the action of management of Bhakra Beas Management Board in retrenching the services of Sh. Ram Lal S/o Sh. Ganga Ram is illegal and unjustified. If so, to what relief he is entitled to?"**

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar. After passing of Pb. Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was replaced by Beas Construction Board (hereinafter called "BCB"). The workman was employed by BSL Project, Sundernagar on 29.01.1966. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organization Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workmen of this project were considered as the employees of the Central Government by the Hon'ble Supreme Court in case titled as ***Jaswant Singh and others Versus Union of India and others (AIR 1980 Supreme Court page 115)***. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.06.1977 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G, Section 25-H, Rule 77 & 78 of the I.D. Act, 1947. The BSL Project is an industrial establishment as per Section 25 L of the ID Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the ID Act.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 7.5.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in the case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 08.07.2014. Vide order dated 08.07.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar reported in JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the workman may kindly be allowed and retrenchment/discharge order dated 30.06.1977 of the workman be held illegal since workman has already retired in April 2002, so he may be released consequential benefits till date.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organization Act. The workman was retrenched after completion of the work of BCB in accordance with the provisions of the ID

Act and settlement in this behalf. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Irrigation Department Punjab Govt. prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,*** in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A rejoinder was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

**Evidence of workman:**

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. He also tendered document Ex.WW1/1 Discharge Certificate and AR for workman closed evidence on 04.12.2023.

**Evidence of respondents:-**

7. The respondents have filed affidavit of Er. Dinesh Kumar son of Sh. Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance & Plant Design Division, BBMB Sundernagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman. He also tendered photocopy of Service Record of workman as Ex.MW1/B and management evidence was closed on 16.10.2024 and the matter was fixed for arguments.

**Submissions of Management:**

8. While arguing the case, learned Law Officer for the respondents contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee on 29.01.1966 and was retrenched on 30.06.1977. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 30.06.1977 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

***"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Learned representative for the management further contended that in this case workman was retrenched on 30.06.1977 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition in the year 2020**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 40 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018 ,***where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the ID Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 29.01.1966 and was discharged on 30.06.1977 and he has sought re-employment after 40 years which was held to be highly time barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 30.06.1977 and thereafter he filed present claim before the Labour Conciliation Officer.

**Submissions of applicant:-**

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 30.06.1977 illegally and he was issued discharge certificate WW1/1 by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957(hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act.

**Findings:-**

12. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the respondents.

13. The respondents relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

> ***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

> ***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***
>
> ***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***
>
> ***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***
>
> ***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***
>
> ***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at***

***before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceedings an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal, respondents were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas***

***Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***

***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana.***

***Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it***

***could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the workman that respondents also appointed fresh workmen, but preference was not given to him, which is in clear violation of section 25-H of the ID Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents has admitted that they have engaged fresh workmen but preference was not given to the workman.

22. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

***77. Maintenance of seniority list of workmen***. *-The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*

***78. Re-employment of retrenched workmen.*** *- (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*

*Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*

*Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*

*Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*

*(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

*Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the workman, other persons were not recruited by the management, which is in violation of Section 25-H of the ID Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employ them. However, certainly in respect of work-charged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employ them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in ***Jaswant***

***Singh case (supra)*** in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2020. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra)***. Moreover, limitation was added in Section 2A of the ID Act in the year 2010 (15.09.2010) and workman was dismissed from service on 30.06.1977 and AR for respondents failed to bring this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)*** has held as follow:

> *"42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter."*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

> *"31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation."*

29. Hon'ble Supreme Court has also referred in the said case decision of ***Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr***.(***AIR 1999 Supreme Court 1351***), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

> *"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case of the appellant. It is also added here that so far as the case ***Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)*** and ***Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others (supra)*** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the ID Act, which specifically provides limitation of 3 years from the date of

dismissal or retrenchment. Section 10(1) of the ID Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra),*** the same is not attracted to the facts and circumstance of the present case in view of the judgment ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)***, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that workman in his cross examination has admitted that he was given notice in the year 1977 and Rs.5000/- at the time of his retrenchment including salary for that month. Moreover, in written statement, stand of the respondents is that the workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the ID Act and other relevant laws. Thus, it shall be presumed that workman was given retrenchment compensation. Even a perusal of service record (MW1/B) of workman reveals that he was paid gratuity etc. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employ the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. The present work charged workman was employed on 29.01.1966 and was retrenched on 30.06.1977 as mentioned in Discharge Certificate (Ex.WW1/1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 11 years and about 5 months (more than 5 years), so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1190.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण** -सह - **श्रम न्यायालय**, चंडीगढ़-2 के पंचाट **(संदर्भ संख्या 11/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **07/04/2025** को प्राप्त हुआ था।

[सं. एल.-23012/84/2018-आई.आर.सी-एम-II]

मणिकंदन.एन, उप. निदेशक

New Delhi, the 9th June, 2025

**S.O. 1190.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 11/2018*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **07/04/2025**

[No. L-23012/84/2018-IR (CM-II)]
MANIKANDAN. N**,** Dy. Director

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh**
**(Presided over by Mr. Kamal Kant).**

ID No.11/2018
Registered on:-28.06.2018

Sh. Puran Chand S.o Sh. Dhummu, C/o Sh. R. K. Singh Parmar, General Secretary, Punjab, INTUC, 211L, Ward No.11, Post Office, Partap Nagar, Nangal Dam, Distt. Ropar (Punjab).

-------- Applicant

Versus

The Chief Manager, BSL Project, BBMB, Sundernagar Distt. Mandi, Himachal Pradesh.

----Respondent

Present:- None for Workman
Mr. Ravinder Rana, Law Officer for management.

**Award : 04.02.2025**

Central Government vide Notification No.23012/84/2018(IR (CM-II) dated 26.06.2018, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

1. ***"Whether the alleged termination of the service of Sh. Puran Chand S/o Sh. Dhummu w.e.f. 04.01.2013 by the management of BBMB is just, fair and legal?***
2. ***If not, whether the action of the management of BBMB is violation of Section 25-F, 25-G, 25-H of the ID Act, 1947?***
3. ***If yes, what relief(s) the concerned workman is entitled to and from which date?"***

1. The matter is fixed for filing claim statement by the workman since 17.08.2023, but no one is turning up on behalf of workman and the matter was adjourned for 17.11.2023 and 01.03.2024. On 01.03.2024, notice was issued to the workman for 17.05.2024 but no one turned up on behalf of workman on 17.05.2024 and notice was again issued to workman for 13.09.2024 for filing claim statement. However, none appeared on 13.09.2024 on behalf of workman and matter was adjourned for 04.02.2025. Today also no one turned up on behalf of the workman. The workman has been given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to workman for filing claim statement, which shows that the workman not interested in adjudication of the matter on merit.

2. Since the workman has neither put his appearance nor he has filed any statement of claim to prove his case against the respondent, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 17 जून, 2025

**का.आ. 1191.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 04/2016-17)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/79/2016-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 17th June, 2025

**S.O. 1191.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 04/2016-17)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/05/2025.**

[No. L-22012/79/2016– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/04/2016-17 Date: 20.03.2025.

**Party No.1**: Manager,
Western Coalfields Limited, Kanhan Area,
Ambada Colliery, PO : Ambada, The. Junardev,
Distt. Chindwara(MP)
Chindwara-480331.

**V/s.**

**Party No.2**: Mohd. Naseem, Zonal Mahamantri,
Coal Mines Engineering Workers Association,
Ward No. 10, Gudi, PO : Palachaurai,
Distt. Chindwara (MP)
Chindwara - 480551

**AWARD**

(Dated: 20th March, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Ltd. and their applicant Shri Fahim Khan S/o late Haneef Khan for adjudication, as per letter **No. L-22012/79/2016 (IR(CM-II)) dated 07.04.2016,** with the following schedule:-

"क्या प्रबंधक, अंबाडा कॉलरी,वैस्टर्न कोलफिल्डस लिमिटेड, कन्हान क्षेत्र, पोस्ट अंबाडा, तहसील जुन्नारदेव, जिला छिंदवाडा ( मध्य प्रदेष ) द्वारा एनसीडब्ल्यूए–।। के प्रावधान 10.4.4 व एनसीडब्ल्यूए–।।। के प्रावधान 9.4.4 के अनुसार दिनांक 30.06.2014 को सेवानिवृत्त हुए पूर्व कामगार श्री हनीफ खॉन पिता प्यारमोहम्मद, के आश्रित पुत्र श्री फहीम खॉन को रोजगार न देना न्यायसंगत है ? यदी नही तो कामगार क्या अनुतो"ा पाने का अधिकारी है?"

2. Case called out. Both the parties are not responding and attending the Court since long back. Petitioner is not coming to the Court since 13.03.2020 i.e. near about five years. Although statement of claim and written statement have been filed by the parties respectively but petitioner has not filed any evidence to prove his claim. Petitioner is not

coming to the Court since long back. It appears that petitioner is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered:

**ORDER**

प्रबंधक, अंबाडा कॉलरी,वैस्टर्न कोलफिल्डस लिमिटेड, कन्हान क्षेत्र, पोस्ट अंबाडा, तहसील जुन्नारदेव, जिला छिंदवाडा ( मध्य प्रदेष ) द्वारा एनसीडब्ल्यूए–।।। के प्रावधान 10.4.4 व एनसीडब्ल्यूए–।।। के प्रावधान 9.4.4 के अनुसार दिनांक 30.06.2014 को सेवानिवृत्त हुए पूर्व कामगार श्री हनीफ खॉन पिता प्यारमोहम्मद, के आश्रित पुत्र श्री फहीम खॉन को रोजगार न देना न्यायसंगत है। कामगार किसी भी राहत का हकदार नही है।

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 19 जून, 2025

**का.आ. 1192.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेडके प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, हैदराबाद के पंचाट **(पहचान संख्या 64/2021)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 19th June, 2025

**S.O. 1192.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(ID. No. 64/2021)** of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of SCCL and their workmen **19*/06/2025.***

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 24th day of February, 2025

**INDUSTRIAL DISPUTE No. 64/2021**

Between:

Sri P. Pithambaresh,

Ex-Coal Filler,

C/o Smt. A. Sarojana,

Flat No. G7, Rajeswari Gayathri

Sadan, Opp: Badruka Jr. College

For Girls, Kachiguda, Hyderbad.

**.....Petitioner**

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Bellampally Area, Mancherial district.

**… Respondents**

Appearances:

For the Petitioner : K. Vashudeva Reddy, advocate

For the Respondent: Y. Ranjeeth Reddy, advocate

**AWARD**

The Government of India, Ministry of Labour by its F. No.1/5/2021-B1 dated 02.09.2021 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workmen. The reference is,

**SCHEDULE**

"Whether the action of the management of M/s. Singareni Collieries Company Ltd., Bellampally Area in terminating the services of Sri P. Pithambaresh, Ex- Coal Filler, Bellampally Area with effect from 14.07.1999 is justified or not? If not, to what relief Sri. P. Pithambaresh is entitled to?

The reference is numbered in this Tribunal as I.D. No 64/2021 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Notice sent by petitioner at his given address. It seems petitioner don't want to prosecute his case. Therefore, in the absence of claim statement by petitioner 'No-Claim' Award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 24th day of February, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जून, 2025

**का.आ. 1193.—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेडके प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, हैदराबाद के पंचाट (पहचान **संख्या 61/2009**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 19th June, 2025

**S.O. 1193.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(ID. No. 61/2009*)*** of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **03*/06/2025.***

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 15th day of May, 2025

**INDUSTRIAL DISPUTE L.C. No. 61/2009**

Between:

Sri Boga Nanda Kishore,

S/o Rajamallu,

SD-5, JK Colony,

Yellandu-507123. ……Petitioner

AND

Managing Director,

M/s. Singareni Collieries Company Ltd.,

Bhupalpally Area.

2. General Manager,

BHP, M/s. Singareni Collieries Company Ltd.,

Bhupalpally

3. The Personnel Manager,

M/s. Singareni Collieries Company Ltd.,

Bhupalpally. ….Respondents

Appearances:

For the Petitioner : M/s. G. Sudha, G. Kousalya & K. Venkatesh, Advocates

For the Respondent: Sri Y. Ranjeet Reddy, Advocate

**AWARD**

Sri Boga Nanda Kishore, who worked as Badli worker (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Limited, seeking for declaring the proceeding dated 8.7.2009 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The claim of Petitioner in brief as follows**:

It is submitted that the Petitioner was initially appointed as Badli Filler on 15th May, 1988 and served in the company and Petitioner was promoted as a clerk on 21st March, 1996 and posted at Kothagudem till the date of termination. The Petitioner was discharging the duties as a clerk in the first Respondent company. It may be noticed from the initial date of appointment as badli filler and later on permanent employee as clerk. The Petitioner was discharging his duties diligently and sincerely having unblemished service record. It is submitted that by virtue of administrative orders he was transferred to Yellandu area, Bhupalpally vide order dated 6th December 2006 and relieving order was issued on 9th December 2006. Because of his ill-health, personal, family and financial problems, Petitioner could not report for duty at Bhupalpally as directed by the Respondent management and the same was informed to the Respondent through his representations. It is submitted that the Petitioner was suffering with infection i.e., hepatitis from 11th December 2006 to 11th March 2007 and was under the treatment. Petitioner suffered from one after another health problems and he has submitted documentary proof in this regard to the Respondents. It is submitted that Petitioner was issued with chargesheet dated 26/29.11.2007. Petitioner has taken the plea against validity of domestic enquiry, stating that the domestic enquiry has been conducted in one sided manner without following the principles of natural justice. No fair opportunity was afforded to him. Further, it is submitted that the method and procedure adopted to conduct the domestic enquiry was not really reflected either in the proceedings or while recording the

statements of the witnesses examined before the Enquiry Officer. Further, it is submitted that the Respondent has passed the dismissal order from service of the Petitioner without looking into the merits of the case and the same is illegal, unsustainable in the eye of law. The absence of the workman on the ground of ill-health cannot be treated as absence from duty without sanctioned leave. Further, it is submitted that during the enquiry, inquiry officer himself has misguided the Petitioner stating that if the Petitioner accepts the charge, lesser punishment will be given and he can continue in the job. Further, Petitioner was not allowed to seek assistance of Co-employees to conduct the domestic enquiry. Further, it is submitted that chargesheet issued to the Petitioner is fake and based on wrong material particulars which are not sustainable either in law or on facts. The findings of the Enquiry Officer are perversed and biased. Petitioner has submitted explanation to the enquiry proceedings but without looking into the merits of the case and contentious raised by Petitioner, dismissal order was passed with effect from 13.7.2009. Petitioner has submitted representation to consider his case but in vain. Respondent has not looked into medical certificate at all during enquiry. As Petitioner was sick and could not attend for duty for a quiet good amount of time, he was bedridden and he could not take treatment at the Respondents' hospital and have to seek outside medical assistance as such, it is not a case of unauthorised absence. Though Petitioner preferred an appeal to consider his case but in vain. Petitioner has become unemployed due to illegal termination by the Respondent and he could not get any alternate employment till date and he is the only breadwinner of the family. It is submitted that dismissal is the capital punishment itself. Hence, prayed to direct the Respondent to reinstate the Petitioner into service.

**3. Respondents filed counter with the averments in brief as follows**:

Respondent has contended that the Petitioner was dismissed from service on proved charges of absenteeism after conducting a detailed domestic enquiry duly following the principles of natural justice. It is prayed to decide the validity of domestic enquiry as a preliminary issue in this regard. It is submitted that the Respondents be permitted to produce further evidence in case it is held that the domestic enquiry is not valid. It is submitted that the Petitioner was appointed as badli filler in the Respondent company on 15th May 1988 and subsequently promoted as clerk, Gr.I, with effect from 1st September 2002. The Petitioner was transferred from Yellandu to Bhupalpally on 10th December, 2006 and was directed to report to the General Manager, Bhupalpally on 11th December, 2006. But he failed to report at Bhupalpally and absconded for a long period. It is submitted that the Petitioner has reported for duty at Bhupalpally on 4th March, 2008. The Petitioner was issued with chargesheet No.BHP/PER/18/4405, dated 26th November 2007 under Companies Standing order Nos. 25.3 and 25.31 for his unauthorised absenteeism from 11th December 2006 to 26th November 2007 which reads as follows:-

> *25.3. Willful insubordination or disobedience, whether alone or in conjunction with another or others of any lawful or reasonable order of a superior.*
>
> *25.31. Absence from duty without sanctioned leave or sufficient cause or over staying beyond sanctioned leave.*

The charge sheet was sent to the Petitioner under registered post acknowledgement view and the same has been received by the Petitioner for which acknowledgement was received by the Respondent company. But Petitioner has not submitted any explanation to the said charge sheet. It is submitted that as he was absent in from duties, a notice of enquiry vide letter dated 18th February 2008 was sent to his home address by registered post with acknowledgement due advising him to attend for the enquiry to be held on 5th March, 2008 at 11:00 AM in the office of Additional General Manager(Personnel), Bhupalpally and the same was acknowledged by the Petitioner. It is submitted that Petitioner has attended for domestic enquiry on 5th March 2008 and participated in the enquiry proceedings conducted on 5th March. 2008 against the charge sheet and the Petitioner was given full and fair opportunity to conduct his defence. It is further submitted that in his statement during the course of inquiry, the Petitioner accepted that he remained absent from duty on the dates mentioned in the charge sheet as he suffered with ill-health problems. Petitioner has accepted the absence mentioned in the chargesheet as correct. It is submitted that the Disciplinary Authority has considered the enquiry proceedings, report and representation of the Petitioner and also all the material on record and decided to impose the punishment of dismissal from the services of the company. Accordingly, dismissal order dated 8th July, 2009 was passed dismissing the Petitioner from services, w.e.f. 13th July 2009. It is further submitted that the Petitioner was transferred on administrative grounds from Yellandu to Bhupalpally but for the reasons best known to the Petitioner, he reported at Bhupalpally after lapse of more than a year. The averment that as he was active member of INTUC, he was transferred is put to strict proof. The Petitioner on one hand is submitting that due to his sickness he has absented and on another hand he is submitting that as he is an active member of union, he has represented for extension of time for reporting but the management did not consider. It is submitted that the allegation that Respondents in several cases where large number of employees were absent for number of years also and who have not put in minimum number of musters were also considered and lesser punishment was given to them, whereas in the case of the Petitioner similar discretion was not exercised is denied and the Petitioner is put to strict proof of the same. The Petitioner made the allegation only to make out a case. It is further submitted that the allegation that the Respondent company officials directed the Petitioner to prefer an appeal to consider his case and as such, Petitioner submitted a representation to the first Respondent on 15th July 2009 and 28th July, 2009 but till date the appeals were not considered and made the Petitioner to go to Pillar to post is denied. It is

submitted that the Respondents company employs about 68,620 persons which includes workmen, executives and supervisors. The production results will depend upon the overall attendance and performance of each and every individual. They are interlinked and inseparable. In this regard, if anyone remains absent, without prior leave or without any justified cause, the work to be performed gets affected. It is submitted that such unauthorised absence creates sudden void which at a time is very difficult to fill up and there will be no proper planning and already planned schedules get suddenly disturbed without prior notice. That is the reason why the Respondents company is compelled to take severe reaction against the unauthorised absentees. In the instant case, the Petitioner is one such unauthorised absentee having put in NIL musters during the year 2007, 01 musters during the year 2008 and 03 musters during the year 2008 up to April 2009. Further, it is submitted that during the years 2007 to 2009, he did not earn leave with pay and he did not put in 190 musters in any of the calendar years. The Petitioner was issued charge sheet for absenteeism from 11th December 2006 to 26th November 2007 and charges were proved against him. As such, the Respondents company was constrained to dismiss the Petitioner for unauthorised absenteeism with effect from 13th July 2009 vide office order No.CRP/PER/IR/D/92/1716, dated 8th July 2009. Therefore, prayed to dismiss the claim petition of the Petitioner.

**4. On the basis of the rival pleadings and submissions of both parties, the following points emerge for determination:-**

I. Whether the whether the departmental enquiry held against to the Workman is legal and valid?

II. Whether the action of Respondent management in terminating the services of the workman vide order dated 8th July 2009 with effect from 13th July 2009 is legal and justified?

III. If not to what relief is the Petitioner entitled?

**Findings**:-

**5. Point No.I:** This point has been answered vide order dated 19.7.2024 and the departmental enquiry has been held legal and valid.

Thus, Point No.I is answered accordingly.

6. **Point No.II:** The perusal of the record reveals that the Workman who was an employee in the Respondent company discharging his duties as a clerk and by virtue of administrative order Workman was transferred to Yellandu area, Bhupalpalli vide order dated 6.12.2006 and was called upon to report at Bhupalpally. The relieving order of the Workman was issued on 9.12.2006 but the Workman failed to comply his transfer order and remained absent from duty for the period from 11.12.2006 to 26.11.2007 without giving any information and prior permission from the authority concerned. Therefore, the Workman was charge sheeted for committing misconduct under the Company's Standing Order No.25.3 for wilful insubordination or disobedience to the order of superior and Standing Order No.25.31, for absence from duty without sanctioned leave or sufficient cause or overstaying beyond sanctioned leave. The perusal of the record reveals that departmental enquiry was conducted against the workman by the Respondent management and in the enquiry he was found guilty of committing misconduct under Company's Standing Orders No.25.3 and 25.31.

7. Further, record reveals that the Workman was given fair opportunity of hearing at every stage during departmental proceeding which he availed and he never raised any objections or complained of causing prejudice of any nature causing to him before Enquiry Officer. Moreover, he received all the papers and documents relied upon by the Respondent in support of the charge and workman filed his reply. Further, during enquiry proceeding workman was also accorded opportunity to cross examine the management witness but he did not avail. Further, statement of the CSE Workman was recorded and he has stated that he reported for duty after a lapse of around one year. He become sick during the year 2006, due to sickness he failed to inform about his absence from duty. However, he requested to excuse his conduct as a first mistake. Thus, according to statement of CSE Workman recorded during the enquiry, he admitted his guilt of remaining absent from duty without any sanctioned leave or prior permission from the authority. Moreover, the management witness Sri B Hemavathi, POA has deposed during the enquiry that the Workman Sri Boga Nandaa Kishore was transferred on administrative grounds from JK 5 incline, Yellandu to Bhupalpally vide office order dated 6.12.2006. He reported at Bhupalpally area on 4.3.2008. He is supposed to report at BHP area on 11.12.2006. So from 11.12.2006 to 26.11.2007 he remained absent for duty without any prior permission or any information. Management witness has also produced the documentary evidence and joining report of the Workman dated 4.3.2008.

8. Thus, on the basis of evidence produced and recorded during the enquiry the Enquiry Officer found the Workman CSE was held guilty of committing misconduct under Company's Standing Orders No.25.3, for wilful insubordination and disobedience of his superiors' orders and under Standing Order No.25.31 for absence from duty without sanctioned leave or sufficient cause. However, Workman in his claim statement has taken the plea to justify his absence from duty during the alleged period, that he was native of Yellandu and after his transfer because of his ill-health, personal family and financial problems, he could not report for duty at Bhupalpally as directed by the

Respondent management. Further, the workman states that this fact was brought to the notice of all the authorities concerned vide letter dated 23.3.2007, 9.10.2007, 20.1.2008, 21.1.2008 and 12.3.2008 but the Respondent has not considered his case in correct perspective and mistook it as not obeyed the orders of the superiors. Further, the Workman has taken the ground and challenged his termination order on the ground that he was active member of Singareni Coal Mines Labour Union which was affiliated to INTUC and Petitioner was one of the nominated as alternative member and in this context union sent letter dated 10.11.2006 and also sent another letter on 30.3.2007 requesting the Respondent management not to transfer Petitioner but the Respondent management only to obstruct the union activities transferred the Petitioner to Bhupalpally. Thus, Respondent management has adopted unfair labour practice.

9. However, the record of enquiry proceeding goes to reveal that the workman has not stated such a ground of victimization by the Respondent management during the enquiry in respect of his transfer to Bhupalpally. As regards plea of ill-health Workman has not produced any documentary evidence about his ill-health or treatment taken by him in the alleged period of absence from the duty. Therefore, the plea of the Workman that due to ill-health he remained absent from duty during the alleged period is not corroborated by any cogent documentary evidence, hence not tenable.

10. Respondent contended that the Petitioner Workman could not substantiate his statement about his sickness during the enquiry nor produce any document in this regard in the reply given by him to the second show cause notice. Further, in the joining report Petitioner workman has stated that he was absent due to his family problems. Thus, Petitioner has taken inconsistent pleas for his conduct of absence from duty and non-compliance of his transfer order and failed to substantiate none of the plea by any cogent evidence. However, Respondent contended that the Petitioner did not follow the order of the superiors and absented from duty unauthorisedly for months together, without any information to the management, which amounts to insubordination and misconduct under the Company's Standing Orders No.25.3 and 25.31 and the same is established during the enquiry. Therefore, he has been rightfully terminated from service vide order dated 8.7.2009, w.e.f. 13.7.2009 by management.

Further, Respondent contended that Hon'ble Supreme Court in the case of State of UP and others vs. Ashok Kumar Singh have held that unauthorized absence need not be condoned and management is right in terminating the services of the unauthorised absentees.

In **'State of U.P. and others Vs. Ashok Kumar Singh and another' 1996 (1 ) SCC 302, Hon'ble Apex Court have** held as follows:-

> *"Having noticed the fact that the first respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observations that "His absence from duty would not amount to such a grave charge, " Even otherwise, on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that "the punishment does not commensurate with the gravity of the charge" especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out. " The Hon'ble Supreme Court allowed the Appeal."*

Further, Hon'ble Supreme Court in **its Judgment (Ashappa's Case)** while dealing with absenteeism, have held:-

> *"..remaining absent for a long time, in our opinion, can not be said to be a minor misconduct. The appellant runs a fleet of busses. For running the busses, the service of the conductor is imperative. No employer running a fleet of busses can allow an employee to remain absent for a long time. The respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than 3 years, his leave records were seen and it was found that he remained unauthorized absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the respondent herein has to be treated lightly." Finally, the Hon'ble Supreme Court allowed the appeal filed by North Eastern Karnataka Road Transport Corporation*."

**In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held**:

*"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."*

Thus, in view of the fore gone discussion, and law laid down by Hon'ble Apex Court I am constrained to hold that Enquiry Officer has rightly held that the Workman herein remained absent from duty during the period from 11.12.2006 to 26.11.2007 and in compliance of his transfer order dated 6.12.2006 workman did not report at Bhupalpally area and he reported on duty on 4.3.2008 after a long unauthorized absence from duty. Thus, I am constrained to arrive at conclusion that workman was rightly found guilty of committing misconduct under Company's Standing Orders No.25.3 and 25.31.

11. However, the Workman has also urged that in several other cases where much large number of employees have served for number of years and they have not put in minimum number of musters, were awarded lesser punishment whereas in his case Respondent did not exercise discretion. Thus, the Respondent has adopted a discriminative attitude and also exercised erroneous discretion. Further, the Workman has averred that the Respondent company officials directed the Petitioner to prefer an appeal to consider his case and Petitioner submitted a representation to the first Respondent on 15.7.2009 and 28.7.2009 but till date appeal was not considered. Petitioner submitted that because of his illegal termination, he become unemployed and despite his best efforts could not get alternate employment till date. It is also submitted that his large family is dependent on him as he is the only bread winner and his dismissal is a capital punishment and attached stigma to the carrier itself. The arbitrary act of the Respondent ruined the Petitioners life as such this Petitioner is entitled to service benefits and back wages. Therefore, prayed to set aside his termination order.

12. Per contra, Respondent has contended that the Respondents' Company employs about 68,620 persons, which includes workmen, executives and supervisors. The production results will depend upon the over all attendance and performance of each and every individual. They are inter-linked and inseparable. In this regard, if any one remains absent without prior leave or without any justified cause, the work to be performed gets affected. Such unauthorized absence creates sudden void, which at time is very difficult to fill-up, and there will be no proper planning and already planned schedules get suddenly disturbed without prior notice. That is the reason why the Respondents' Company is compelled to take severe action against the unauthorizecd absentees. In the instant case, the Petitioner is such unauthorized absentee having put in NIL musters during the year 2007, 01 musters during the year 2008 and 03 musters during the year 2009 upto April, 2009. Further during the years 2007 to 2009 he did not earn leave with pay and he did not put in 190 musters in any of the calendar years. The petitioner was issued charge sheet for absenteeism from 11-12-2006 to 26-11 2007 and charges were proved against him. As such, the Respondents' Company was constrained to dismiss the Petitioner for unauthorized absenteeism w.e.f. 13-07-2009 vide Office Order No. CRP/PER/IR/D/92/1716, dated 08-07-2009.

13. Thus, in view of the fore gone discussion, it is established that the Workman has committed serious misconduct under the Company's Standing Orders No. 25.3 and 25.31 for habitual absenteeism from duty unauthorisedly, without sufficient cause and of disobedience, of the transfer order passed by the Respondent. Therefore, he has been rightly punished with termination from service for committing the aforesaid misconduct. In this context, Hon'ble Supreme Court have held that absenteeism from duty for a long time amounts to grave and serious misconduct and punishment of dismissal from service for any other reason is not to be condoned.

14. As regards plea of workman regarding disproportionate punishment imposed upon him and jurisdiction of Tribunal to interfere in the punishment order passed by Disciplinary Authority, the reference of documents of Hon'ble Apex Court is relevant in this regard as discussed hereunder:-

**In State of U.P. vs. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276], Hon'ble Apex Court have held**:-

*"the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating: "It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."*

In **Management Coal India Ltd. v. Mukul Kumar Choudhary Civil Appeal 5762-5763 of 2009 decided on 24.08.2009, Hon'ble Apex Court laid down the test of proportionality of punishment and held**:-

"*One of the test to be applied while dealing with the question of punishment would be: would any reasonable employer have imposed such punishment in like circumstances? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment."*

In the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhay, the 2022 LLR page 126, wherein the Hon'ble Apex Court held:**

*"once the enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."*

Thus, in view of fore gone discussion and the law laid down by the Hon'ble Apex Court as discussed above, both the charges against workman being serious in nature, therefore, the order of dismissal passed against the Petitioner Workman cannot be faulted with nor it can be said to be in any way disproportionate to the gravity of the charges. Therefore, punishment of dismissal of the Workman from the service is proportionate with the gravity of charges. Hence, it deserves to be upheld.

This Point is answered accordingly.

15. **Point No.III**:- In view of the fore gone discussion and finding given at Points No.I and II, the Petitioner is not entitled for any relief and his claim petition is liable to be dismissed.

Thus, Point No. III is answered accordingly.

**AWARD**

In view of the fore gone discussion and finding arrived at Points No. I,II & III, the claim petition filed by the Petitioner Workman Sri Boga Nanda Kishore, Ex. Clerk is found to be devoid of merit hence dismissed. The termination order dated 8.7.2009 of the workman Petitioner, passed by Respondent with effect from 13.7.2009 is hereby confirmed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 15th day of May, 2024.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जून, 2025

**का.आ. 1194.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल,के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 43/2006** को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/06/2025** को प्राप्त हुआ था।

[सं. एल-20012/211/2005-आई.आर.सी-एम-I]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 19th June, 2025

**S.O. 1194.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 43/2006)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L,** and **their workmen** received by the Central Government on **17/06/2025.**

[No. L-20012/211/2005– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**

In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.

**Reference Case No. 43/2006**

Employer in relation to the management of E.J. Area of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

**Appearances:**

For the Employers :- Sri Dhiraj Kumar, (Legal Inspector)

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 06/06/2025

**AWARD.**

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),Government Of India through the Ministry of Labour, vide its Order No.L-20012/211/2005-(IR(CM-I)) dated 01/06/2006 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL and their workman through Secretary, Dhanbad Colliery Karamchari Sangh, Dhanbad for adjudication by this Tribunal:

**SCHEDULE**

**"Whether the action of the management of Sudamdih Shaft Mines, M/s. BCCL in stopping the special pay @15% of the basic pay of Sh. Paltan Manjhi, Sh. Raman Mahato, Sh. Kalipada Mahatha, Sh. Dasrath Pandey and Sh. BhojuGorai, Sub-Station Attendants w.e.f. October, 1999 is justified? If not, to what relief are the concerned workmen entitled?"**

2. On receiving order no. L-20012/211/2005-(IR(CM-I)) dated 01/06/2006 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 43 of 2006 was registered on 20.06.2006 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Even after issuance of notice, none appeared from either side though on 06.06.2025, Sri Dhiraj Kumar, Legal Inspector of management appeared. The case record shows that after issuance of notice, the workman never appeared before the Tribunal since the year 2006 which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

**ORDERED**

that this case is hereby dismissed and a "No Dispute Award" be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 19 जून, 2025

**का.आ. 1195.**—औद्योगिक विवाद अधिनियम, 1947 ;1947 का 14द्ध की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेडके प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद** के पंचाट (पहचान **संख्या 8/2009**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 19th June, 2025

**S.O. 1195.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(ID. No. 8/2009*)*** of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **03*/06/2025.***

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 2nd day of May, 2025

**M.P. No. 8/2009**

Between:

Sri S.N. Shah Naqvi ……. Petitioner

AND

The General Manager,

The Singareni Collieries Company Ltd.,

Mandamarri Division. ……. Respondent

Appearances:

For the Petitioner: Sri S. Bal Raj, Advocate

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

**ORDER**

This miscellaneous petition under Sec.33C(2) of the Industrial Disputes Act, 1947 has been filed by Sri S.N. Shah Naqvi, with the prayer to direct the Respondent to pay travel settling allowance for Rs.40,000/-, travelling charges to GM office Mandamarri for settlement of settling charges for two years from Hyderabad to Mandamarri Rs.2500/- conciliation meetings travel charges from Hyderabad to Godavarikhani Rs.2100/-, mental tension and economic cost of Rs.20,000/- and legal charges of Rs.5000/-, total amount of Rs.69,600/- to the Petitioner.

2. Notice served to the Respondent and Respondent filed counter.

3. The factual matrix of the case as per petition are that, Petitioner was appointed in the Respondent company as temporary tunnel mazdoor from 3.3.1971. As the native place of his father and brothers was Amritsar in the records of the company therefore, Petitioner also mentioned his native place as Amritsar in service record and he was also sanctioned his hometown TA bill to Amritsar and LTC implementation to Amritsar in his whole 32 ½ years service. While he was working as Special Grade clerk at Shanti Khani Mine, opted VRS (GHS) on 1.10.2003 vide office order No.CRT/PER/V/621/1560, dated 26.7.2003 and he was sanctioned VRS from 1.10.2003. Further, Petitioner submits that as per company rules he applied for settling-in allowance submitting required bills and documents to his native place Amritsar. It is submitted that without giving any notice to him the management sanctioned him said allowances to Kothagudem, Khammam district without submission of required bills and documents to Kothagudem. By the advice of the then Dy GM., (Personal), he applied for the payment of difference amount on 28.8.2004 to the General Manager, MM Division. He had sent a reminder letter of the same application on 11.12.2004 but there was no response from the management and then he met the General Manager regarding his application and he was told that verification is going on whether LTC was paid to him to Amritsar or Kothagudem. Further, it is submitted that he had many personal visits regarding his application but the management dilli dallying the issue brushing away the responsibility. Due to which Petitioner was put to lot of frustration and mental agony. Further, it is submitted that as per his representation dated 14.4.2007 to the Assistant Commissioner Labour(Central). Labour Commissioner issued a notice No.45/1/2007-ALC/MC1 dated 26.6.2007 calling for comments/ remarks and fixing of joint meeting, both parties to attend for a joint meeting on 11.7.2007 and another letter dated 26th September 2007 issued by the ALC(C) to the Petitioner and Respondent and fixed on the joint meeting on 16.11.2007 and attended all conciliation meetings but the management created remarks story to drag on the matter. Therefore, prayed to allow the petition and to direct the Respondent to pay travel settling-in allowance for Rs.40,000/- including other charges to the Petitioner.

4. Per contra, Respondent has contended in counter that the allegations in the claim petition are hereby denied except those that are admitted herein and Petitioner is put to strict proof of the same. Further, it is contended that the Petitioner cannot invoke the jurisdiction directly under the provisions of Industrial Disputes Act, 1947 as it is neither a termination of employment nor the workman is entitled to receive money as claimed by him which is referable to a pre-existing right earlier adjudicated or provided for. On this ground alone, this petition is liable to be dismissed in limine. It is submitted that the Petitioner retired voluntarily under voluntary retirement scheme

(Golden handshake) 30th September, 2003 after duty hours. He received all the terminal benefits as entitled under the scheme. He made a representation to the Assistant Labor Commissioner(Central), Mancherial at Godavarikani, on 17.8.2006 i.e., after a lapse of two years and ten months and 17 days. The conciliation officer closed the case on 10th July, 2008 and Petitioner has filed Petitioner on 12.11.2008 within ordinate which is not maintainable under the provisions Industrial Disputes Act, 1947. Further, Respondent contended that Petitioner entered the services of the Respondent company as temporary tunnel mazdoor and later he was appointed as clerk and then by virtue of his service he got elevated to special grade. Petitioner entered in the services of the Respondent company has unskilled employee and submitted his application for the post of coal filler (Piece rate underground job) wherein at column No.4 against permanent address and against column No.5 native place, he declared "Kothagudem". Respondent contended that as regards leave travel concession to hometown every employee has to give declaration with regard to native place and also the details of dependents for which fares are to be paid. Such declarations will be filed by the employee concerned only and on the basis of such declaration payments will be made. The onus of the declaration of native place with documentary evidence when called for, lies on the employees concerned. Further, it is contended that the Petitioner after entry into the services of the Respondent company executed nominations for coal mines Provident fund wherein he declared his native place as Kothagudem. Subsequently he executed gratuity nomination on 28.11.1989 wherein he declared his permanent address as Bellampalli of Adilabad district. Every employee has to submit his details for entering the details in employee personal record and the Petitioner here too declared his permanent address as Bellampalli. Further, for coal mines pension scheme 1998 every employee has to execute nomination and also declare details of nominee and dependents in PS-3 and PS-4 wherein he declared his native place as Bellampalli, Adilabad District. Further, it is contended that Petitioner the ex-employee has claimed LTC/RRF to Amritsar only as detailed :- In the year 1983-86, 1987-90, 1991-94 and 1995-98. As per rules the employee has option to exercise once for all either to avail RRF for self for each year during 3 years in a period of 4 years are or for availing LTC for a family of 4 adult units up to 750 kilometres or more if the hometown is more than 750 kilometres away from the place of duty. The Petitioner has claimed LTC in every block for four tickets upto Amritsar instead of single ticket upto Amritsar. Therefore, it can be concluded that Petitioner never disclose his native place as Amritsar in his service record as claimed by him. He mischievously claimed LTC for 4 tickets to Amritsar. This point has come to light only after retirement of the Petitioner LTC/LLTC claims will be taken care by the clerical staff. Further, Respondent contended that Sri Naqvi being a clerk, having knowledge of the records had managed to draw first LTC to Amritsar. Once it is recorded in the LTC records for the next block the clerk concerned whoever might be dealing the subject at that particular time simply follows the previous record and processes the present claim. That is how Petitioner claimed LTC to Amritsar by fraudulent means when he came to know that the fraud played by him came to surface, he raised a dispute before the conciliation officer (C) as per pre-emptive action in order to avoid recovery of excess amount paid to him by the management. Further, it is contended that as per Clause No.14 of the T.A. Rules of the company an employee on cessation of employment will be allowed T.A.. The relevant clauses are read as under:-

*"(ii) PART-C: On Cessation Of Employment:*

*14. Retirement on Superannuation or on cessation of Employment of the Re-employed Officer.*

*Subject to such restrictions as may be imposed by "Competent Authority" an employee on his retirement or on cessation of employment in cases of re-employed officer may be granted actual fare of the class to which his pay entitles him (Rule-9) for himself and his family proceeding to his home town or the place where he intends to settle. He will also be reimbursed the actual expenditure incurred transporting his personal effects as in Rule 13.2.*

*Note: - Grant of TA on retirement or superannuation or cessation of re-employment under Rule 14 may be regulated subject inter-alia to the following conditions:*

*(i) TA under rule 14 should be availed of within six months of the final retirement or on cessation of reemployment. It will not be admissible to employees who resign or who may be dismissed or removed from the service.*

*(ii) TA on retirement or on cessation of re-employment will be admissible by the shortest route to the employee's home town in India, as declared by him for the purpose of Leave Travel Concession, OR to the new place of settlement, whichever is less. "*

Thus, the rule quoted above indicates that the Petitioner never disclosed and declared his native place as Amritsar, and concealing the facts, he claimed LTC to Amritsar which is above 750 kilometres that will not entail to him as per rules. Further, Respondent contended that in service records, he himself declared his native place as Kothagudem. Since the Petitioner himself has declared his native place as Konthagudem and his claim for TA on retirement was settled and he received the cheque. He did not raise any objection while receiving the said cheque towards TA on retirement which was settled taking his native place as Kothagudem. Further, Petitioner has not submitted any proof of his family travelling to Amritsar. In addition to the above in the circular No.CRP/PER/IR/V/621/1560 dated 26.7.2003 through which they have Voluntary Retirement Scheme (Golden Handshake) was introduced during August, 2003 and in response to which the Petitioner opted for VRS, it was made clear against clause No. 1.7.5 that:-

*" 1.7.5 travel expenses:-*

*An employee and his family would also be entitled to travel by entitled class to the place where he intends to settle down."*

Thus, the party having full knowledge of the terms and conditions of the VRS (GHS) opted for the same and his request was considered. Since the party declared his native place as Kothagudem, he was paid TA on retirement accordingly. It is to further submit that the Petitioner made a representation dated 28.8.2004 requesting to pay settling-in allowance to Amritsar instead of Kothagudem. His contention that he made representation as per the advice of the then Deputy General Manager Personnel is incorrect and the Petitioner is put to strict proof of the same. Petitioner was advised to submit proof to the extent that Amritsar, State of Punjab as his native place vide letter dated 9.7.2006. But the Petitioner failed to submit any proof in support of his claim. Thus, it is established that there is no dilly dallying to the issue and brushing off the responsibility as alleged by the Petitioner. The Petitioner on his own for the reasons best known to him declared his native /permanent address as Kothagudem/Bellampalli while claiming LTC to Amritsar but failed to establish with valid evidence that Amritsar is his native/permanent place. Further, the Petitioner has not produced any proof that he settled at Amritsar Punjab state. Further, it is contended that the Petitioner submitted representation to the ALC(C), Mancherial at Ramagundam on 17.8.2006 claiming actual fares to self and family members to Amritsar. In turn the ALC(C) called for comments/remarks and the Respondent company after collecting the relevant data/documents from the units concerned submitted detailed comments vide letter dated 28.2.2007 in which representation Petitioner submitted that he declared his native place as Amritsar at the time of appointment but the concerned clerk by name George Mullor struck it and wrote as Kothagudem which is again a matter to be established by the Petitioner as there is no need and necessity for the clerk concerned to make such changes. Even if the changes are made the Petitioner ought to have objected the same and should be got the same corrected as Amritsar, but the Petitioner admitted the correction and after his retirement from the services of Respondent company claiming false claims. Further, it is contended that in the same representation dated 14.4.2007 at Point No.5 and No.7, the Petitioner stated that "point No.5: As I have to leave with my children if they get employment in the company I declared my permanent address as Bellampalli in the employee personnel record" and point No.7: The reason for declaring permanent address as Bellampalli was because of hope of my children's employment in the company and my social activities". The above statements of the Petitioner clearly indicate the fact that with ulterior motto the Petitioner declared his native place as Amritsar to draw a LTC.

5. Thus, in view of the above, the claim of the Petitioner Retired clerk of Santhi Khani Mine area merits no consideration. Further, it is submitted that the Respondent management could not take any disciplinary action against him in respect of wrong claim of LTC to Amritsar and for the misconduct committed by him during the tenure of service as it has been noticed after his voluntary retirement. Respondent prayed to dismiss the claim petition filed by the Petitioner as being not maintainable and devoid of merit.

6. In support of petition, the Petitioner has examined himself as WW1 and also filed the documents in evidence Ex.W1 to Ex.W18. Ex.W1 is the lorry transport bill. Ex.W2 is the quarter vacation certificate. Ex.W3 is the copy of application. Ex.W4 is the hamali loading and unloading bill. Ex.W5 is the application. Ex.W6 is the furniture works bill. Ex.W7 is the certificate. Ex.W8 is the office letter. Ex.W9 is the application. Ex.W10 is the also application. Ex.W11 is the management remarks. Ex.W12 is the notice. Ex.W13 is the comments. Ex.W14 is the ALC(C) notice. Ex.W15 to Ex.W17 are the letters calling for comments. Ex.W18 is the minutes.

7. On the other hand, the Respondent has filed documents through list and examined MW1. The witness MW1 has exhibited documents Ex.M1 to M 19. Ex.M1 is the application for unskilled worked for the post of coal filler. Ex.M2 is the Form-A CMPF nomination. Ex.M3 is the Form-F gratuity nomination form. Ex.M4 is the employe personal record. Ex.M5 is the PS-3- particulars of family. Ex.M6 is the PS-4- pension nomination. Ex.M7 is the office order. Ex.M8 is the Name removal order. Ex.M9 is the basic data fields for generation of input formats for settlement of terminal benefits. Ex.M10 is the last wages certificate. Ex.M11 is the original gratuity memo. Ex.M12 is the original submission of gratuity claim and gratuity check list dated 15.10.2003. Ex.M13 is the no dues certificate. Ex.M14 is the original correct name certificate. Ex.M15 is the Andhra Bank account pass book. Ex.M16 is the copy of voters list dated 1.1.2011. Ex.M17 is the details of LTC availed earlier. Ex.M18 is the representation of Petitioner and Ex.M19 is the reply to it.

8. Heard the argument of Learned Counsel for both the parties. Perused the record. On the basis of pleadings and arguments advanced by both the parties following points emerge for determination in the present case:-

I. Whether the miscellaneous petition filed by the Petitioner under section 33 C(2) for recovery of the settling-in allowances for Rs.40,000/- along with other charges is maintainable under section 33 C(2) of the Industrial Disputes Act, 1947?

II. Whether the Petitioner is entitled to recover the transfer settling-in allowances of Rs.40,000/- including other charges from the Respondent management as per averments made in application?

III. To what relief if any the Petitioner is entitled for?

**Findings**:-

9. **Point No.I**:- At the outset counsel for Respondent vehemently argued that the Petitioner cannot invoke jurisdiction of the Tribunal directly under the provision of Section 33C(2) of ID Act as it is neither a termination of employment nor the Workman is entitled to receive money as claimed by him which is referable to a pre-existing right earlier adjudicated or provided for. On this ground alone this petition is liable to be dismissed in limine. In view of the argument of Respondent, the perusal of the petition reflects that the present petition has been filed by the Petitioner Section 33C(2) of ID Act, 1947 to recover the transfer settling-in allowance for Rs.40,000/- from the Respondent. The provision contained under Section 33C(2) of ID Act reads out as here under:-

**Section 33C(2) in The Industrial Disputes Act, 1947**

(2)*Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government ."*

Hon'ble Supreme Court in the case of Tara Vs. Director, Social Welfare (1998) SCC 67 have held that the question of maintainability of application under Section 33 C(2) was required to be determined at the threshold and question of examining the applicant's claim on merit relating to their status could have been gone into thereafter if the application were held to be maintainable under Section 33 C(2) of the Act.

10. Therefore, before delying into the merits of the claim of the Petitioner we have to look into question of maintainability of the present application under Section 33C(2) in respect of the claim made by the Petitioner in his petition. As per Petition, the Petitioner claims transfer settling-in allowance for Rs.40,000/- against the Respondent management on the ground that as per his service record his native place is recorded as Amritsar and he is entitled to sanction his hometown TA bill to Amritsar on his retirement.

11. Per contra, Respondent has denied the claim of the Petitioner on the premises that the Petitioner after entering into the service of the Respondent executed nominations for Coal Mines Provident fund wherein he has declared his native place as Kothagudem. Subsequently Petitioner executed gratuity nomination on 28th November 1989 wherein he declared his permanent address as Bellampalli of Adilabad district. Further Petitioner under the Coal Mines Pension Scheme 1998 has attributed nomination and declared details of nominee and dependents therein, he declared his native place as Bellampalli Adilabad district. Thus, it clearly indicates the fact that the Petitioner during his service declared his native place as Kothagudem or Bellampalli but not as Amritsar. Further it is submitted that mere availing the LTC mischievously during the tenure of services by hiding the true facts, of Amritsar which is about 750 kilometres will not entail him to claim his native place as Amritsar. In majority of the records Petitioner himself has declared his native place as Kothagudem /Bellampalli. Further, it is submitted that Petitioner himself declared his native place as Kothagudem and his claim for TA on retirement was settled and he received the cheque, but he did not raise any objection while receiving the said cheque towards TA and retirement benefits, settled taking his native place as Kothagudem. Further it is contended that Petitioner has not submitted any proof of his family travelling to Amritsar. Respondents submitted that an employee and his family would also be entitled to travel by entitled class to the place where he intends to settle down. The Petitioner on his own failed to produce any valid evidence that Amritsar is his native place. It is contended by the Respondent that mere claiming the LTC to the place of Amritsar is not a very ground to claim the settling-in allowance to place of Amritsar without changing the native place in the Respondent company records.

12. In view of the contention of the Petitioner and Respondent and also on going documentary evidence filed on record pertaining to service record of the Petitioner, the onus of proof lies upon the Petitioner to prove the fact with valid evidence that his native place is Amritsar. Before granting the relief to the Petitioner in respect of settling-in allowance as per claim of the Petitioner there has to be adjudication i.e., Award or settlement by competent authority with regard to declaration of the native place of the Petitioner as Amritsar. The provision contained under section 33 C(2) of the I.D. Act, 1947 pre-supposes existence of any settlement or an award under the provision of chapter 5A or chapter 5B of the Act in favour of the Petitioner. But the Petitioner has not filed any document of settlement or award to this effect as required under section 33 C(2) of the I.D. Act along with this petition, for claiming the transfer settling-in allowance in the petition.

In this context the reference of the decision of Hon'ble Supreme Court in the case of **Municipal Corporation of Delhi vs Razak , 1995 SCC (1) 235 dated 20.10.1994** is relevant, wherein Hon'ble Supreme Court have held:-

> *"8.Reference may be made first to the Constitution Bench decision in Central Bank of India Ltd. v. PS. Rajagopalan1 on which Shri Rao placed heavy reliance. That was a case in which the question of maintainability of proceedings under Section 33-C(2) of the Act was considered in a claim made by the workmen on the basis of the Sastry Award. The employer disputed the claim of the workmen on several grounds including the applicability of Section 33-C(2) of the Act. It was urged that since the applications involved a question of interpretation of the Sastry Award, they were outside the purview of Section 33-C(2) because interpretation of awards or settlements has been expressly provided for by Section 36-A. This objection was rejected. This Court pointed Out the difference in the scope of Section 36-A and Section 33- C(2) indicating that*

*the distinction lies in the fact that Section 36-A is not concerned with the implementation or execution of the award whereas that is the sole purpose of Section 33-C(2); and whereas Section 33-C(2) deals with cases of implementation of individual rights of workmen falling under its provisions, Section 36-A deals merely with a question of interpretation of the award where a dispute arises in that behalf between the workmen and tile employer and the appropriate Government 'Is satisfied that the dispute deserves to be resolved by reference under Section 36-A. In this context, this Court also indicated that the power of the Labour Court in a proceeding under Section 33- C(2) being akin to that of the Executing Court, the Labour Court is competent to interpret the award or settlement on which a workman bases his claim under Section 33-C(2), like the power of the Executing Court to interpret the decree for the purpose of execution. Relevant extract from that decision is as under: (SCR pp. 154-155) "Besides, there can be no doubt that when the Labour Court is given the power to allow an individual workman to execute or implement his existing individual rights, it is virtually exercising execution powers in some cases, and it is well settled that it is open to the Executing Court to interpret the decree for the purpose of execution. It is, of course, true that the Executing Court cannot go behind the decree, nor can it add to or subtract from the provision of the decree. These limitations apply also to the Labour Court; but like the Executing Court, the Labour Court would also be competent to interpret the award or settlement on which a workman bases his claim under Section 33-C(2). Therefore, we feel no difficulty in holding that for the purpose of making the necessary determination under Section 33-C(2), it would, in appropriate cases, be 1 (1964) 3 SCR 140: AIR 1964 SC 743:(1963) 2 LLJ 89 open to the Labour Court to interpret the award or settlement on which the workman's right rests."*

*This decision itself indicates that the power of the Labour Court under Section 33-C(2) extends to interpretation of the award or settlement on which the workman's right rests, like the Executing Court's power to interpret the decree for the purpose of execution, where the basis of the claim is referable to the award or settlement, but it does not extend to determination of the dispute of entitlement or the basis of the claim if there be no prior adjudication or recognition of the same by the employer. This decision negatives instead of supporting the submission of learned counsel for the respondents.*

*9. Another decision on the point is Bombay Gas Co. Ltd. v. Gopal Bhiva2 wherein also Gajendragadkar, J., (as he then was) speaking for the Bench, referring to the above Constitution Bench decision, stated that the proceedings contemplated by Section 33-C(2) are analogous to execution proceedings and the Labour Court, like the Executing Court in the execution proceedings governed by the Code of Civil Procedure, would be competent to interpret the award on which the claim is based. It is obvious that the power of the Executing Court is only to implement the adjudication already made by a decree and not to adjudicate a disputed claim which requires adjudication for its enforcement in the form of decree. The Executing Court, after the decree has been passed, is however competent to interpret the decree for the purpose of its implementation. This position was settled by the above Constitution Bench decision and has been the consistent view of this Court ever since then.*

Further, in the case of **Union of India & Anr., Vs. Kankuben (Dead) by LRs. & ors, Etc. Etc. dated 20.3.2006, AIR 2006 SC 1784**, wherein Hon'ble Supreme Court have held:-

*"8. The principles enunciated in the decisions referred by either side can be summed up as follows:*

*Whenever a workman is entitled to receive from his employer any money or any benefit which is capable of being computed in terms of money and which he is entitled to receive from his employer and is denied of such benefit can approach Labour Court under Section 33-C(2) of the Act. The benefit sought to be enforced under Section 33-C(2) of the Act is necessarily a pre-existing benefit or one flowing from a pre-existing right. The difference between a pre-existing right or benefit on one hand and the right or benefit, which is considered just and fair on the other hand is vital. The former falls within jurisdiction of Labour Court exercising powers under Section 33-C(2) of the Act while the latter does not. It cannot be spelt out from the award in the present case that such a right or benefit has accrued to the workman as the specific question of the relief granted is confined only to the reinstatement without stating anything more as to the back wages.*

*Hence that relief must be deemed to have been denied, for what is claimed but not granted necessarily gets denied in judicial or quasi- judicial proceeding. Further when a question arises as to the adjudication of a claim for back wages all relevant circumstances which will have to be gone into, are to be considered in a judicious manner. Therefore, the appropriate forum wherein such question of back wages could be decided is only in a proceeding to whom a reference under Section 10 of the Act is made. To state that merely upon reinstatement, a workman would be entitled, under the terms of award, to all his arrears of pay and allowances would be incorrect because several factors will have to be considered, as stated earlier, to find out whether the workman is entitled to back wages at all and to what extent. Therefore, we are of the view that the High Court ought not to have presumed that the award of the Labour Court for grant of back wages is implied in the relief of reinstatement or that the award of reinstatement itself conferred right for claim of back wages"*

Therefore, in view of the pleadings of both the parties and law laid down by Hon'ble Supreme Court as discussed

above, it reflects that in the present case serious dispute of entitlement of Petitioner to receive settling-in allowance exists which needs to be adjudicated by competent Labour Court to this effect that whether the native place of the Petitioner is Bellampalli, Kothagudem or Amritsar, Punjab State. In the want of such settlement or an Award the petition of the Petitioner claiming the amount of Rs.40,000/- towards the transfer settling-in allowance is not maintainable under provision contained under Section 33 C(2) of I.D. Act, 1947. Therefore, in view the fore gone discussion, I am of the considered view that present petition filed by the Petitioner for claiming transfer settling-in allowances under Section 33 C(2) is not maintainable, hence, liable to be dismissed.

This point is answered accordingly.

13. Points No.II& III : In view of the finding given at a Point No.I, the petition is not find maintainable under Section 33 C(2) of I.D. Act, 1947, therefore, there is no need to delve into the question of entitlement of the Petitioner as claimed in the petition.

Thus, Point No.II & III are answered accordingly.

**ORDER**

In view of the finding arrived at Points No. I and II, since the petition is not maintainable under Section 33 C(2) of Industrial Disputes Act, 1947, therefore, the petition is dismissed.

Ordered accordingly.

Dictated to Personal Assistant, transcribed by her, corrected and pronounced by me on this the 2nd day of May, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner: | Witnesses examined for the Respondents: |
|---|---|
| WW1: S.N. Shah Naqvi | MW1: Sri T. Srinivasa Rao |

**Documents marked for the Petitioner/Workman**

Ex.W1: Photocopy of lorry transport bill

Ex.W2: Photocopy of quarter vacation certificate

Ex.W3: Photocopy of copy of application

Ex.W4: Photocopy of hamali loading and unloading bill

Ex.W5: Photocopy of application

Ex.W6: Photocopy of furniture works bill

Ex.W7: Photocopy of certificate

Ex.W8: Photocopy of office letter

Ex.W9: Photocopy of application

Ex.W10: Photocopy of application

Ex.W11: Photocopy of management remarks

Ex.W12: Photocopy of notice

Ex.W13: Photocopy of comments

Ex.W14: Photocopy of ALC(C) notice

Ex.W15: Photocopy of calling for comments

Ex.W16: Photocopy of calling for comments

Ex.W17: Photocopy of calling for comments

Ex.W18: Photocopy of minutes

**Documents marked for the Respondent**

Ex.M1: Photocopy of Identity & Service Card

Ex.M2: Photocopy of Form-A Coal Mines Provident Fund

Ex.M3: Form-I Gratuity Form

Ex.M4: Photocopy of Employee Personal Record

Ex.M5: PS-3 Particulars of Family

Ex.M6: PS-4 Pension Nomination

Ex.M7: Photocopy of office order

Ex.M8: name removal lr. Dt.1.10.2003

Ex.M9: Photocopy of Basic Data fields for generation of input formats for settlement of terminal benefits.

Ex.M10: Last wages drawn certificate

Ex.M11: Gratuity memo dt.15.10.2003

Ex.M12: Submission of Gratuity claim and Gratuity Check list

Ex.M13: No Dues Certificate

Ex.M14: Correct Name Certificate

Ex.M15: Photocopy of Andhra Bank SB A/c Pass Book

Ex.M16: Photocopy of Voters List

Ex.M17: Photocopy of LTC old bill

Ex.M18: Photocopy of representation dt.28.8.2004

Ex.W19: Photocopy of reply letter to Ex.M18 dt.9.7.2006

नई दिल्ली, 20 जून, 2025

**का.आ. 1196.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्लू सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 13/2017-18)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/12/2017-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 20th June, 2025

**S.O. 1196.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 13/2017-18)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and **their workmen** received by the Central Government on **08/05/2025.**

[No. L-22012/12/2017– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/13/2017-18 Date: 23.04.2025.

**Party No.1**: The Sub Area Manager,
Hindustan Lalpeth Mines 1 of WCL,
Post: Lalpeth, Distt. Chandrapur,
Chandrapur (M.S.).

**V/s.**

**Party No.2**: The Area TSC Member, RKKMS(INTUC),

Nandgaon, B-67, Chandrapur,

Distt. Chandrapur (M.S.).

**AWARD**

(Dated: 23rd April, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Hindustan Lalpeth Mines 1, WCL, and their workman Shri Krishna Durgam Krishtayya, for adjudication, as per letter No. L-22012/12/2017-IR(CM-II) dated 12/19.07.2017, with the following

**SCHEDULE**

**"Whether the action of the Management of Western Coalfields Ltd. Hindustan Lalpeth Mine No. 1, post. Lalpeth, Dist. Chandrapur is denying employment to Shri Krishna Durgam Krishtayya the dependant son of Shri Krishtayya Durgam, Employee who has already rendered his services to the Company, which is contrary to the provision of para 9.4.4 of NCWA is legal and justified ? If not, what relief the workman is entitled to?"**

2. Case is called out. Learned Counsel for the respondent Shri R.E. Moharir is present before the Court. None is present on behalf of petitioner. Petitioner is not responding and attending the Court since 10.01.2022. Although, statement of claim and written statement as well as rejoinder affidavit have been filed by the parties respectively but no evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court for long time. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The action of the Management of Western Coalfields Ltd. Hindustan Lalpeth Mine No. 1, post. Lalpeth, Dist. Chandrapur is denying employment to Shri Krishna Durgam Krishtayya the dependant son of Shri Krishtayya Durgam, Employee who has already rendered his services to the Company, which is contrary to the provision of para 9.4.4 of NCWA is legal and justified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 20 जून, 2025

**का.आ. 1197.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्लू सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह–श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 49/2018-19)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/69/2018-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 20th June, 2025

**S.O. 1197.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 49/2018-19***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and **their workmen** received by the Central Government on **08/05/2025**

[No. L-22012/69/2018– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/49/2018-19 Date: 23.04.2025.

**Party No.1**: 1. The Area Depot Manager,

WCL Ltd., Area Store Sasti,

Tah. Rajura,

Distt. Chandrapur(M.S)-442905.

2. The Area General Manager,

Ballarpur Area, Western Coalfields Ltd.,

Sasti, Tah. Rajura,

Distt. Chandrapur-442905.

**V/s.**

**Party No.2**: Smt. Sarita Satralwar,

C/o A.K. Kureshi, General Secretary,

Koyala Shramik Sagha (HMS), QTR NB 139, WCL Ltd,

Durgapur, Post-Urjanagar, Distt.

Chandrapur (M.S). – 442404.

**AWARD**

(Dated: 23rd April, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industr ial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL Ltd., and their workman Smt. Sarita Raju Satralwar, for adjudication, as per letter No. L-22012/69/2018-IR(CM-II) dated 13.11.2018, with the following schedule:-

**"Whether the demands raised by Smt. Sarita Raju Satralwar for Correction in date of Birth on the basis of Form 'O' under Rule 29 B of the Mines Act and the Birth Certificate issued by Revenue Office and demand for reinstate in service on the same post & Place with full back wages from 31.05.2016 till the date of reinstatement with continuity in service and all consequential benefits and the demands supported by the General Secretary Koyla Shramik Sabha (HMS) Chandrapur is just, fair & legal ? If yes, to what relief the concerned workman is entitled to?"**

2. Case is called out. Learned Counsel for the respondent Shri. Mayur Mainde holding brief of Smt. Gauri Venkatraman is present before the Court. None is present on behalf of petitioner. Petitioner is not responding and attending the Court since 12.09.2019. Although statement of claim and written statement have been filed by the parties respectively. No rejoinder affidavit has been filed by the petitioner till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court for long time. It appears that he is not interested tocontest the case further more. Claim of the petitioner is not proved. So. It is closed.

Hence, it is ordered.

**ORDER**

**The demands raised by Smt. Sarita Raju Satralwar for Correction in date of Birth on the basis of Form 'O' under Rule 29 B of the Mines Act and the Birth Certificate issued by Revenue Office and demand for reinstate in service on the same post & Place with full back wages from 31.05.2016 till the date of reinstatement with continuity in service and all consequential benefits and the demands supported by the General Secretary Koyla Shramik Sabha (HMS) Chandrapur is unjust, unfair & illegal. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD. Presiding Officer

नई दिल्ली, 26 जून, 2025

**का.आ. 1198.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्वास्थ्य एवं परिवार कल्याण के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **कन्द्रीय सरकार औद्योगिक अधिकरण** सह –**श्रम न्यायालय**,चंडीगढ़-1 के पंचाट **(संदर्भ संख्या 15/2021)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 26th June, 2025

**S.O. 1198.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 15/2021*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-1** as shown in the Annexure, in the industrial dispute between the Management of **Ms. Health and Family Welfare** and **their workmen** received by the Central Government on **25/06/2025**

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.**

**Presiding Officer: Sh. Brajesh Kumar Gautam.**

ID No.15/2021

Registered On:-24.06.2021

Bablu Thakur R/o B-12/03756, Gali No.7, Gate No.1, Vikas Nagar, Naya Gaon, SAS Nagar, Mohali-160103.

.....Workman

**Versus**

1. Ministry of Health and Family Welfare, New Delhi.
2. Post Graduate Institute of Medical Education and Research, Sector 12, Chandigarh.

.....Respondents

**Award**

**Passed On:-03.04.2025**

1. The workman Sh. Bablu Thakur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), challenging his termination with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for filing evidence by way of affidavit by Workman but workman is not responding from several dates since 18.11.2022 which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long i.e. from 18.11.2022 to 03.04.2025 and nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

B.K. GAUTAM, Presiding Officer

नई दिल्ली, 26 जून, 2025

**का.आ. 1199.—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **बीबीएमबी** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्यागिक अधिकरण –सह – श्रम न्यायालय,चंडीगढ़-2** के पंचाट **(संदर्भ संख्या 51/2020)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 26th June, 2025

**S.O. 1199.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 51/2020*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **25/06/2025**.

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.51/2020

Registered on:-07.09.2020

Rattan Lal S/o Sh. Kanshi Ram, R/o Village Pasol, PO Gharn (Mattla) , Tehsil Jhanjutta, Distt. Bilaspur, Himachal Pradesh.

…….....Applicant/Workman

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.

2. The Chief Engineer, Bhakra Beas Management Board, BSL Project, Sundernagar-175038.

…..Respondents/Management

Present:- Mr. S C Gupta, AR for workman.

Sh. Ravinder Rana (Law Officer), AR for Management.

**Award**

**Passed on:- 13.03.2025**

Central Government vide Notification No.ID-(18)2019/B-IV/CHD dated 14.08.2020 under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**"Whether the action of management of Bhakra Beas Management Board in retrenching the services of Sh. Rattan Lal S/o Sh. Kanshi Ram is illegal and unjustified. If so, to what relief he is entitled to?"**

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar. After passing of Pb. Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was replaced by Beas Construction Board (hereinafter called "BCB"). The workman was employed by BSL Project, Sundernagar on 11.08.1971. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organization Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workmen of this project were considered as the employees of the Central Government by the Hon'ble Supreme Court in case titled ***as Jaswant Singh and others Versus Union of India and others (AIR 1980 Supreme Court page 115)*** . The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 27.01.1978 and copy of discharge certificate was issued by the office of **Sub Divisional Officer, BBMB Sundernagar** in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G, Section 25-H, Rule 77 & 78 of the I.D. Act, 1947. The BSL Project is an industrial establishment as per Section 25 L of the ID Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the ID Act.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 7.5.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in the case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 8.7.2014. Vide order dated 8.7.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar reported in JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the workman may kindly be allowed and retrenchment/discharge

order dated 27.01.1978 of the workman be held illegal since workman has already retired in October, 2012, so he may be released consequential benefits till date.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organization Act. The workman was retrenched after completion of the work of BCB in accordance with the provisions of the ID Act and settlement in this behalf. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Irrigation Department Punjab Govt. prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,*** in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

**Evidence of workman:**

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. He also tendered document Ex.WW1/1 Discharge Certificate and AR for workman closed evidence on 06.10.2023.

**Evidence of respondents:-**

7. The respondents have filed affidavit of Er. Dinesh Kumar son of Sh. Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance & Plant Design Division, BBMB Sundernagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman and management evidence was closed on 16.10.2024 and the matter was fixed for arguments.

**Submissions of Management:**

8. While arguing the case, learned Law Officer for the respondents contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee on 11.08.1971 and was retrenched on 27.01.1978. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 27.01.1978 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

***"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Because the present workman had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 27.01.1978 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition on 14.08.2020**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 40 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018 ,***where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the ID Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment of otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 11.08.1971 and was discharged on 27.01.1978 and he has sought re-employment after 40 years which was held to be highly time barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 27.01.1978 and thereafter he filed present claim before the Labour Conciliation Officer.

**Submissions of applicant:-**

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 27.01.1978 illegally and he was issued discharge certificate WW1/1 by **Sub Divisional Officer, BBMB Sundernagar**. He referred to Section 25-H of the ID Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957(hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act.

**Findings:-**

12. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the management.

13. The management relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service***

***under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***

***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***

***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***

***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***

***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the

completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceedings an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal. Respondent were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

> ***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***
>
> ***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes***

***charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the workman that respondents also appointed fresh workmen, but preference was not given to him, which is in clear violation of section 25-H of the ID Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents has admitted that they have engaged fresh workmen but preference was not given to the workman.

22. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

> ***77. Maintenance of seniority list of workmen***. *-The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*
>
> ***78. Re-employment of retrenched workmen. -*** *(1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*
>
> *Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*
>
> *Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*
>
> *Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*
>
> *(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*
>
> *Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the ID Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

> ***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***
>
> Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in ***Jaswant Singh case (supra)*** in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2020. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra)***. Moreover, limitation was added in Section 2A of the ID Act in the year 2010 (15.09.2010) and workman was dismissed from service on 27.01.1978 and AR for respondents failed to brought this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)*** has held as follow:

> *"42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter."*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

> *"31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation."*

29. Hon'ble Supreme Court has also referred in the said case decision of ***Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr***.(***AIR 1999 Supreme Court 1351***), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

> *"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fettled to the case of the appellant. It is also added here that so far as the case ***Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)*** and ***Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others (supra)*** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the ID Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the ID Act

specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra),*** the same is not attracted to the facts and circumstance of the present case in view of the judgment ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)***, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that workman in his cross examination has admitted that he was served with discharge certificate as well as notice at the time of his retrenchment. He was paid retrenchment compensation and gratuity for 7 years of service. Moreover, it is also not case of the petitioner that there is breach of Section 25 F of the Act.

32. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. The present work charged workman was employed on 11.08.1971 and was retrenched on 27.01.1978 as mentioned in Discharge Certificate (Ex.WW1/1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 6 years and about 5 months (more than 5 years), so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 26 जून, 2025

**का.आ. 1200.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **बीबीएमबी** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय,चंडीगढ़-2** के पंचाट **(संदर्भ संख्या 57/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/06/2025** को प्राप्त हुआ था।

[सं. एल-23012/69/2019-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 26th June, 2025

**S.O. 1200.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 57/2019*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **25/06/2025**.

[No. L-23012/69/2019– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 57/2019

Registered on:- 20.08.2019

Smt. Kalan Devi Wd/o Sh. Mehar Singh and other, LR of the deceased workman Mehar Singh, R/o Village Soi, PO and Tehsil Ghumarwin, Distt. Bilaspur-174021.

…….....Applicant

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, BSL Project/BBMB Sundernagar, Distt. Mandi, (HP)-175038.

…..Respondents/Management

Present: Mr. S C Gupta, AR for workman.

Mr. Ravinder Rana, Law Officer for the respondents.

**Award**

**Passed on:- 13.03.2025**

Central Government vide Notification No.L-23012/69/2019-IR(CM-II), dated 25.07.2019, under clause (d) of sub-section (1) and subsection 2(A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

> **"Whether the action of management of BBMB in not accepting the demands of Smt. Kalan Devi & Others, LH/LR of Late Mehar Singh, for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?"**

1. The brief facts related to the case are that the applicant is legal heir of Sh. Mehar Singh (deceased workman), who was engaged on 30.03.1972 for the construction of the Beas Sutluj Link Project {hereinafter called as BSL(P)}. The said project remained initially under the Management of Beas Control Board, which was constituted on 10.02.1961 and after enactment of Punjab Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was renamed as Beas Construction Board (hereinafter called "BCB") and also Bhakra Management Board, which was established w.e.f. 01.10.1967 and later on it was renamed as Bhakra Beas Management Board (hereinafter called as BBMB), which is working as such w.e.f. 15.05.1976. The workman of this project was considered as the employees of the Central Government by the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and others versus Union of India and Others AIR 1980 SC 115***. The management made illegal retrenchment of the employees in phases and the deceased workman was also retrenched along with them. The deceased workman had completed 240 days in every calendar year and was not interrupted till his retrenchment and the retrenchment is illegal and in violation of Section **25F**, 25H, Rule 77 and 78 of the ID Act. The workman was also retrenched by the employer on 29.12.1977 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, management appointed fresh workmen/employees, violating Section 25-H of the I.D. Act. The BSL (P) is an industrial establishment as per Section 25(L) of the ID Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the ID Act. It is maintained that the deceased workman after his retrenchment remained ill and could not raised the dispute during the period but raised his voice for re-employment through the union and ultimately, he died on 08.12.2009. The deceased workman after his retrenchment did not remain in the gain full employed till his death.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court

vide its judgments dated 07.05.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 08.07.2014. Vide order dated 08.07.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar, JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the applicant may kindly be allowed and retrenchment/discharge order dated 29.12.1977 of the deceased workman be held illegal and the workman be considered in continuous service up to March, 2004, when he was to superannuate and the management may be directed to release all consequential benefits till March, 2004 instead of 29.12.1977.

3. Management filed written statement, alleging therein that the applicants are legal heirs of the deceased workman and their application is not maintainable under the provisions of the ID Act and the applicant raised the present dispute at a belated stage after 35 years without furnishing any plausible reason for extraordinary delay. The deceased workman Sh. Mehar Singh was Ex-work charged employee of Beas Construction Board (BCB), which was constituted under Section 80(1) of the Re-organization Act. The deceased workman was retrenched after completion/part completion of the works of BCB in accordance with the provisions of the ID Act. The deceased workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board (hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a writ petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,*** in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the applicant is hopelessly time barred and the applicant being legal heirs has no legal right to file claim petition under the ID Act. It is prayed that claim be dismiss.

4. Parties were given opportunity to lead evidence.

5. Applicant No.1 Smt. Kalan Devi has examined herself as WW1 and filed her affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. She also tendered document Ex.WW1/1 Discharge Certificate. AR for workman closed the evidence on behalf of workman on 06.10.2023.

**6.** The management has filed affidavit of Er. Dinesh Kumar S/o Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance and Plant Design Division, BBMB Sundernagar, Distt. Mandi, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned AR of workman. He tendered into evidence copy of service record of workman Ex.MW1/B and closed the evidence on behalf of management on 16.10.2024 and the case is fixed for arguments.

**Submissions of Applicant:**

7. While arguing the case, ld. AR for the applicant contended that in this case, claim has been filed by the LR of deceased, who expired on 08.12.2009 and as per law laid down by Hon'ble Supreme Court and various Hon'ble High Courts, claim can be filed even after the death of the applicant. To support this view, he placed reliance upon the in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another, 1995(6) SLR 680***, ***Bharathamma and others versus The Labour Court and another (WP No.11342 of 1994) 1995(2) Andh. LD 472*** and ***Rameshwar Manjhi versus Management of Sangaramgarh Colliery (1994 AIR 1176, 1994 SCC (1) 292.*** He further contended that in this case deceased workman was discharged on 29.12.1977 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched deceased workman. He further has drawn the attention of the Court towards the statement of wife of deceased workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the

present worker. He also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act.

**Submissions of management:-**

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Deceased workman Sh. Mehar Singh was employed as work charged employee on 30.03.1972 and was retrenched on 29.12.1977. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India. AR for management further argued that as per Rule 4 of the Industrial Dispute (Central) Rules 1957, the application and the statement can be signed by the workman himself or by any officer of the trade union of which he is member or by another workmen in the same establishment duly authorized by him in his behalf and since in this case, application has not been moved by the applicant, the claim is not maintainable and is liable to be dismissed.

9. So far as the claim of the applicant regarding re-employment after retrenchment on 29.12.1977 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

> ***"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Because the deceased workman Sh. Mehar Singh had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 29.12.1977 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as the legal heirs have filed the present claim petition in the year 2019**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 35 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018***, where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the ID Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment of otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 30.03.1972 and was discharged on 29.12.1977 and the legal heir has sought re-employment after 35 years which was held to be highly time barred. Thus, he contended that claim of applicant is time barred. Deceased workman was discharged on 29.12.1977 and thereafter his legal heir filed present claim before the Labour Conciliation Officer.

**Findings:**

11. I have given due consideration to the arguments advanced by the learned AR for the workman and also for

the management.

12. So far as this contention of the AR for the respondents that in this case, application is not maintainable by LRs concerned, the same is devoid of merit as Hon'ble High Court of Andhra Pradesh in case law titled as ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** and ***Bharathamma and others versus The Labour Court and another (supra)*** has categorically held that in case workman had died, then even LRs of the deceased can move an application in respect of the monetary benefits. The relevant para 14 & 15 of ***Anjaliamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)*** are produced as under:

> *14. As already pointed out supra the question weather the legal heirs/representatives of a deceased-workman can raise an industrial dispute directly under Section 2-A(2) of the Act did not arise for consideration in any of the decisions of the High Courts or in Rameshwar Manjhi's case (supra). But the Supreme Court in para 13 in the context of an industrial dispute filed under Section 2-A of the Act has laid down the law that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the proceedings. If according to the Apex Court if a pending proceedings can be continued by the legal heirs/representatives of the deceased workman after the death of the workman during the pendency of the proceedings, there is no good reason to hold that such legal representatives/heirs are incompetent to institute the dispute before the Industrial Court after the death of a workman have locus standi to continue an industrial dispute instituted by such workman in a Labour Court in law, then they are also competent to institute such workman. The observation of the Supreme Court in paras 11 and 12 in general and in para 13 in particular read with the views expressed by the Calcutta (sic. Kerala) High Court in Gwalior Rayon's case (supra) and that of the Gujarat High Court in Bank of Baroda's case (supra) which views are affirmed by the Apex Court in Rameshwar Manjhi's case clearly go to show that legal heirs/representatives of a deceased workman can institute industrial dispute before the jurisdictional Labour Court after the death of such workman.*
>
> *15. This question may be considered from another angle as well. As pointed out supra, the Labour Court in exercise of its discretionary power under Section 11-A of the Act can grant reliefs of reinstatement or lumpsum compensation in lieu of reinstatement, back wages, continuity of services or any other appropriate relief, pecuniary or otherwise having regard to the facts and circumstances of each case. In the present case if the workman were to alive he would have instituted the industrial dispute in the Labour Court and there was absolutely no legal impediment for him to do so and if the Industrial Court were to uphold the claim of the workman it would have granted the relief of reinstatement or lumpsum compensation in lieu of reinstatement, back wages and other reliefs. If that is so what the deceased workman himself would have been awarded by the Labour Court except the relief of reinstatement had he be survived, should be considered to be a part of his estate. The learned Authors Clerk & Lindsell on Torts have pointed out that since it is the deceased's own cause of action which survives for the benefit of his estate, the estate should recover such damages as the deceased himself would have been awarded had he survived. Therefore it should be held that with the death of the workman the cause of action to seek reliefs contemplated under the Act from the Labour Court does not die with him in totality and the causes of action to recover lumpsum compensation in lieu of reinstatement and back-wages do survive for the benefit of his estate. Recognizing this position and in order to resolve the conflict of opinions existed earlier among several High Courts, the Legislature inserted sub-section (8) in Section 10 by Amending Act 46 of 1982 and after the amendment proceedings before any adjudicatory authority in relation to an industrial dispute shall not lapse merely be reason of the death of any of the parties to the dispute being a workman and the adjudicator is enjoined to complete such proceedings and submit his award to appropriate Government. There cannot be any dispute that the petitioners-legal heirs of the deceased workman are entitled to the estate left behind the workman. This is so having regard to the provisions of Section 306 of the Indian Succession Act and the observation of the Division Bench of the Gujarat High Court in the case of Bank of Baroda extracted above and approved by the Apex Court. In that view of the matter I am in respectful agreement with the view taken by may learned brother S. Dasaradha Rama Reddy, J. **in Bharathamma & Others v. The Labour Court (supra)** and it does not require any reconsideration.*

Thus, application on behalf of LRs is maintainable and arguments advanced by the AR for respondents is not maintainable.

13. The management relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad-hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***

***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***

***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment9 and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***

***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***

***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have***

***accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal. Respondents were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***

***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the applicant that respondents also appointed fresh workmen, but preference was not

given to her late husband during his lifetime, which is in clear violation of section 25-H of the ID Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents have admitted that they have engaged fresh workmen but preference was not given to the deceased workman during his life time.

22. Admittedly, in this case, no effort was made by the respondents to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

> ***77. Maintenance of seniority list of workmen****. -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*
>
> ***78. Re-employment of retrenched workmen. -*** *(1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*
>
> *Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*
>
> *Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*
>
> *Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*
>
> *(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*
>
> *Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the ID Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present respondents were directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present respondents that no relief can be granted against present respondents as deceased husband of applicant was not their employee.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

> ***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***
>
> Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed

ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondents Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in ***Jaswant Singh case (supra)*** in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondents that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2019. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra).*** Moreover, limitation was added in Section 2A of the ID Act in the year 2010 (15.09.2010) and deceased workman was dismissed from service on 29.12.1977 and AR for respondents has failed to bring this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)*** has held as follow:

> *"42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter."*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

> *"31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation."*

29. Hon'ble Supreme Court has also referred in the said case decision of ***Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr***.(***AIR 1999 Supreme Court 1351***), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

> *"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case

of the appellant. It is also added here that so far as the case ***Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)*** and ***Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others (supra)*** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the ID Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the ID Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra),*** the same is not attracted to the facts and circumstance of the present case in view of the judgment ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)***, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that Smt. Kalan Devi, LR of deceased workman in her affidavit nowhere stated that retrenchment compensation was not paid to her husband. In her cross examination, she has stated that she has no knowledge whether her husband was paid retrenchment compensation. Remaining silent in her affidavit that her husband was not paid any retrenchment compensation meaning thereby that her husband was paid retrenchment compensation by the management. Moreover, in written statement, stand of the respondents is that the deceased workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the ID Act and other relevant laws. Thus, it shall be presumed that deceased workman was given retrenchment compensation. Even a perusal of service record (MW1/B) of deceased workman reveals that he was paid gratuity etc. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. Deceased workman Mehar Singh was employed on 30.03.1972 and was retrenched on 29.12.1977 as mentioned in Discharge Certificate (Ex.WW1/2) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 5 year and about 9 months (more than 5 years), so the applicant is entitled for Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 26 जून, 2025

**का.आ. 1201.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय,चंडीगढ़-2** के पंचाट **(संदर्भ संख्या 52/2020)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी-एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 26th June, 2025

**S.O. 1201.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 52/2020)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB** and **their workmen** received by the Central Government on **25/06/2025**

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 52/2020

Registered on:-07.09.2020

Hariman S/o Sh. Sant Ram, R/o Village Nog Kudani, PO Binola, Tehsil Sadar Kudani (144), Binola, Distt. Bilaspur, HP-174001.

…….....Applicant/Workman

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.

2. The Chief Engineer, Bhakra Beas Management Board, BSL Project, Sundernagar-175038.

…..Respondents/Management

Present:- Mr. S C Gupta, AR for workman.

Sh. Ravinder Rana (Law Officer), AR for Management.

**AWARD**

**Passed on:- 03.04.2025**

Central Government vide Notification No.ID-8(9)2019/B-IV/CHD dated 13.08.2020 under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**"Whether the action of management of Bhakra Beas Management Board in terminating the services of Sh. Hariman workman is illegal and unjustified? If so, to what relief he is entitled to?"**

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar. After passing of Pb. Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was replaced by Beas Construction Board (hereinafter called "BCB"). The workman was employed by BSL Project, Sundernagar on 25.02.1972. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organization Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workmen of this project were considered as the employees of the Central Government by the Hon'ble Supreme Court in case titled ***as Jaswant Singh and others Versus Union of India and others (AIR 1980 Supreme Court page 115)***. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 15.11.1977 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G, Section 25-H, Rule 77 & 78 of the I.D. Act, 1947. The BSL Project is an industrial establishment as per Section 25 L of the Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the Act.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 7.5.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in the case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 8.7.2014. Vide order dated 8.7.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar reported in JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the workman may kindly be allowed and retrenchment/discharge order dated 15.11.1977 of the workman be held illegal since workman has already retired in November, 2011, so he

may be released consequential benefits till date.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organization Act. The workman was retrenched after completion of the work of BCB in accordance with the provisions of the Act and settlement in this behalf. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Irrigation Department Punjab Govt. prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440,*** in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A rejoinder was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

**Evidence of workman:**

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1//A and has been cross-examined by the law officer of management. He also tendered document Ex.WW1/1 Discharge Certificate and AR for workman closed evidence on 06.10.2023.

**Evidence of respondents:-**

7. The respondents have filed affidavit of Er. Dinesh Kumar son of Sh. Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance & Plant Design Division, BBMB Sundernagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman. He also tendered photocopy of Service Record of workman as Ex.MW1/B and management evidence was closed on 16.10.2024 and the matter was fixed for arguments.

**Submissions of Management:**

8. While arguing the case, learned Law Officer for the respondents contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee on 25.02.1972 and was retrenched on 15.11.1977. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 15.11.1977 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

***"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."***

10. Because the present workman had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 15.11.1977 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition in the year 2020**.** To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 42 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018,*** where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 25.02.1972 and was discharged on 15.11.1977 and he has sought re-employment after 42 years which was held to be highly time barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 15.11.1977 and thereafter he filed present claim before the Labour Conciliation Officer.

**Submissions of applicant:-**

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 15.11.1977 illegally and he was issued discharge certificate WW1/1 by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957(hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the Act.

**Findings:-**

12. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the respondents.

13. The respondents relied upon mainly in this case on the case titled as ***Jaswant Singh and another (supra),*** which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

***"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service***

***under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."***

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

***"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.***

***42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.***

***43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.***

***44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.***

***45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.***

***46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.***

***47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."***

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a

temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceedings an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal. Respondent were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. Hence, it would be a futile exercise to give date to produce the same. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**"Regulation of Services of the workcharged employees.**

> ***It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.***
>
> ***To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I fell that it is equally the duty of an adjudicator of industrial disputes***

***charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear In mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.***

***In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."***

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the workman that respondents also appointed fresh workmen, but preference was not given to him, which is in clear violation of section 25-H of the Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents has admitted that they have engaged fresh workmen but preference was not given to the workman.

22. Admittedly, in this case, no effort was made by the respondent to give any employment after the

retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

> ***77. Maintenance of seniority list of workmen***. *-The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*
>
> ***78. Re-employment of retrenched workmen. -*** *(1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:*
>
> *Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*
>
> *Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*
>
> *Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*
>
> *(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*
>
> *Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the workman, other persons were not recruited by the management, which is in violation of Section 25-H of the Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of ***Jaswant Singh (Supra)*** to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

**A.** So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

***"As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades"***

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the

BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in Jaswant Singh case (supra) in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2020. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra)***. Moreover, limitation was added in Section 2A of the Act in the year 2010 (15.09.2010) and workman was dismissed from service on 15.11.1977 and AR for respondents failed to brought this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)*** has held as follow:

> *"42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter."*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

> *"31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation."*

29. Hon'ble Supreme Court has also referred in the said case decision of ***Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr***.(***AIR 1999 Supreme Court 1351***), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

> *"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case of the appellant. It is also added here that so far as the case ***Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)*** and ***Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others (supra)*** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal***

***(supra),*** the same is not attracted to the facts and circumstance of the present case in view of the judgment ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)***, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that workman in his cross examination has admitted that he was served with a notice and was paid Rs.1428/- at the time of retrenchment. Moreover, in written statement, stand of the respondents is that the workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the Act and other relevant laws. Even a perusal of service record (MW1/B) of workman reveals that he was paid gratuity etc. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of ***Jaswant Singh Case (Supra)***, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employ the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

i. Workcharged employee who has completed 5 years of service of more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. The present work charged workman was employed on 25.02.1972 and was retrenched on 15.11.1977 as mentioned in Discharge Certificate (Ex.WW1/1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 5 years and about 8 months (more than 5 years), so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 27 जून, 2025

**का.आ. 1202.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (9/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025- आई आर (बी-I)-77]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1202.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.9/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B.I)-77]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 9/2019**

Between:

Palle Vasantha Kumar S/o P Chinna Lingaiah
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o Pajju, Thipparthy Mandal
Nalgonda District - 508001 .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 … Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**AWARD**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 9 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Palle Vasantha Kumar has been regularized with ID No 37508 and posted at Madugalapally -6299 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1203.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (85/2013) प्रकाशित करती है।

[सं. एल-12012/45/2013-आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1203.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.85/2013*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of Hyderabad and their workmen.

[No. L-12012/45/2013- IR(B.I)]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE No. 85/2013**

Between:

Sri Ghouse Mohiuddin Khan,
Sweeper,
R/o H.No.17-123/1, SBH Colony,
Annapurnanagar, Uppal,

Hyderabad. ….. Petitioner

AND

The Managing Director,
State Bank of Hyderabad,
R.P. Road,
Secunderabad. …. Respondent

Appearances:

For the Petitioner : M/s. M.V.L. Narsaiah, Vemnkateshwar Varanasi & P. Shravan Kumar Goud, Advocates
For the Respondent:Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-12012/45/2013 dated 12.7.2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of State Bank of Hyderabad and their workman. The reference is,

**SCHEDULE**

"Whether the action of the management of State Bank of Hyderabad in terminating the services of Sri Ghouse Mohiuddin Khan w.e.f. 11.3.2004 is legal and justified? To what relief the workman is entitled?"

The reference is numbered in this Tribunal as I.D. No.85/2013 and notices were issued to the parties concerned.

2. **The averments made is the claim statement are as follows**:

It is submitted that the Petitioner was appointed as a Lunch Room Attender on 1/33rd scale w.e.f. 23.11.1999 and thereafter the competent authority has approved the enhancement of wages from 1/3rd to half scale wages. Ever since the date of his appointment the Petitioner has been working sincerely and dedicating with utmost satisfaction of his superiors. While the matters stood thus a charge sheet No.F/DP/448 dated 3.9.2003 with certain charges. Unfortunately, without considering the merits, domestic enquiry was ordered in a routine and mechanical manner. It is submitted that the domestic enquiry was conducted and no opportunity was given to the Petitioner to cross examine the Respondents' witnesses and conducted the enquiry, basing on the enquiry the Enquiry Officer has submitted his report holding that the Petitioner was guilty of charges and basing on such report, the Petitioner was dismissed from service vide F/DP/RPR/747, dt.11.3.2004. Thereafter he preferred appeal to the 1st Respondent on 12.6.2006. The Appellate Authority i.e., 1st Respondent without considering the grounds raised by the Petitioner in the appeal mechanically rejected the appeal on 30.6.2006. Subsequent to passing of the impugned order of dismissal the Petitioner approached the Respondents on number of occasions to reinstate him into service, but in vain. The whole enquiry conducted is against principles of natural justice and without giving opportunity to the Petitioner to cross examine the Respondents witness as such the enquiry is wholly, illegal, arbitrary and violative of principles of natural

justice. The impugned order does not indicate any reason much less valid in nature as to why the Disciplinary Authority concerned with the findings of the Enquiry Officer. Before issuing the impugned order prior approval of competent authority was not obtained as per the standing orders. Hence, the impugned order is liable to be set aside. The impugned order No.F/DP/RPR/747 dated 11.3.2004 of the Disciplinary Authority the Asst. General Manager, is illegal and against to the principles of natural justice, as the charges are not attributable to the Petitioner (A sweeper on ½ scale wages) whereas, false charges levelled against the Petitioner with a malafide intention to victimize the Petitioner and save the culprits, actually who involved in this fraud. The charge levelled against the Petitioner by the Respondents is not proper and the said fraud occurred on account of gross negligence on the part of the Branch, Manager/Officers/Clerks who failed to adhere bank rules/system and procedures stipulated by the bank, as such the alleged allegation is not attributed to the Petitioner and the same is falsely fabricated against the Petitioner only to defame him. The charge leveled against the Petitioner vide charge No.1, 2 and 3 are false and baseless as per the bank rules, the surrender cheque leaf shall be held in the personal custody of the Branch Manager/Accounts Manager/Office Incharge of the concerned section, who shall be responsible for utilization. The charge leveled against the Petitioner vide charge No.4 and 6 is false and baseless. As per the bank rules when an account is not being operated since long time, such accounts must be identified as in operative account and the account should be closed in the current ledger, marked in index and new account opened in inoperative ledger and index. The transfer of the ledger sheets from the current ledger to the inoperative ledger. The inoperative account can be reopened and permitted to be operated by the Manager of the Division/Branch Manager only and no other office in the branch. All the allegations made against the Petitioner are false and baseless and the Petitioner is not responsible for the alleged misconduct. Therefore, the order of dismissal from service is liable to be set aside. The Branch Staff members who are working in the R.P. Road Branch at the relevant time including Assistant General Manager, G.S. Murthy threatened the Petitioner and forced him to sign on few blank papers on 20.4.2003. Therefore, any admission made by the Petitioner on the blank papers, Petitioner shall not be liable. It is submitted that the Petitioner is the sole breadwinner of his family. As a result of his dismissal from service, the Petitioner and his whole family left with no source of livelihood. It is submitted that the imposition of Punishment of dismissal from service is disproportionate. Hence, prayed to set aside the dismissal order and direct the Respondents to reinstate the Petitioner into service with all consequential benefits.

3. **Respondent filed counter denying the averments of the Petitioner as under**:

It is submitted that the Petitioner was dismissed from the services of the Respondent Company on proved charge of misappropriation vide letter No.F/DP/RPR/747, dated 11.04.2004. It is apparently clear that there is an abnormal delay of about 9 years in raising the dispute by the Petitioner and therefore the Petition is liable to be dismissed on the

ground of delay and latches. It is prayed that this Hon'ble Tribunal may be pleased to decide the delay in raising the dispute as a preliminary issue. It is submitted that Petitioner while working as Sweeper cum-Peon on ½ scale wages at R.P. Road Branch, Secunderabad had committed serious irregularities / malpractices by resorting to fraudulent withdrawals from the accounts of customers/ office, as detailedhereunder during the period from 10.04.2002 to 07.04.2003.

*a. On 10.04.2002 an amount of Rs.28,000/- was transferred to A/c No.504602 of his relative Smt.Shaheda Begum from Account of Shri C.S.Charyulu A/c No.250480 which is not in operation since long and drawn the same through his friend by using the cheque of Smt Shaheda Begum duly forging her signature.*

*b) On 01.06.2002 an amount of Rs.55,462/- was transferred to A/c No. 504602 of his relative Smt.Shaheda Begum by debit to the Office account styled as "Cheques sent in clearing for credit of PAD A/c" and drawn the amount forging the signature of Smt.Saheda Begum as drawer on various cheques and derived pecuniary benefit to that extant.*

*c) On 05.02.2003 he had once again withdrawn an amount of Rs.3,200/- from the A/c No. 504602 of his relative Smt.Shaheda Begum by using a cheque bearing No.26884 from surrendered cheque book pertaining to closed account No.518310 of Mrs Merlyes D'Silva and Anothony Mary.*

*d) On 18.02.2003 he debited an amount of Rs. 15,000/- to A/c No.250480 of Shri C.S.Charyulu which is not in operation Since long time and fraudulently credited to his account No.315142 and withdrawn the same on 18.02.2033.*

*e. On 25.03.2003 he had fraudulently withdrawn cash of Rs.8,500/- from the A/c No.533025 of Shri Dilip Srikrishna Tonde by using a Cheque bearing No.26886 from surrendered cheque book of closed account No. 518310 of Mrs Merlyes D'Silva and Anothony Mary.*

*f. On 07.04.2003 he had withdrawn cash of Rs.9,500/ from the A/c No.533025 of Shri Dilip Srikrishna Tonde by using a Cheque bearing No.26896 from surrendered cheque book of closed account No. 518310 of Mrs Merlyes D'Silva and Anothony Mary.*

Further, it is submitted that the Petitioner had admitted in writing on 20.04.2003 having withdrawn the above amounts fraudulently and paid Rs.750/- on the same day and promised to refund the balance amount within a week. Accordingly, Petitioner refunded the following amounts to the bank:-

| Date of refund | Amount |
|---|---|
| 20.04.2003 | Rs.750/ |
| 26.04.2003 | Rs.18,000/ |
| 30.04.2003 | Rs.1,00,000/ |

Further, it is submitted that Petitioner was suspended on 30.04.2003 and got issued a memo on 13.06.2003 and advised to give explanation to the charges. It is submitted that as the Petitioner was failed to give any explanation to above charges, Respondent initiated disciplinary proceedings and appointed Enquiry Officer and Sri V.Venkateshwarlu, Officer, Old Bowenpally Branch as Presenting Officer vide letter No.448 dated 03.09.2003 issued to the Petitioner. The enquiry Commenced on 18.09.2003 and enquiry concluded on 07.10.2003. It is submitted that the Petitioner voluntarily deposed before Enquiry Officer that he is accepting the charges and no further enquiry is required and the enquiry report dated 08.10.2003 was submitted by the Enquiry officer and accordingly a copy of it,

was forwarded to the Petitioner for his submissions on the enquiry report. The Petitioner submitted his reply dated 20.01.2004 to the enquiry report stating that "I have become victim of circumstances and having realized the impact, I have arranged for payment of money in full ensuring that the Bank is not put to financial loss" and requested for personal hearing to present along with union leader. Accordingly Disciplinary authority provided personal hearing and the Petitioner availed personal hearing on 21.02.2004. The Disciplinary Authority after considering the submission made by the Petitioner, enquiry report, after going through the entire record of the disciplinary proceedings and taking in to consideration the gravity of charges held established against Petitioner, The Disciplinary imposed the punishment of Dismissal from Bank's service" vide order dated 11.03.2004. It is submitted that the Petitioner was given an opportunity to file an appeal and the Petitioner filed an appeal dated 20.04.2004 and the Appellate Authority by his order dated 20.10.2004, dismissed the Appeal, confirming the punishment imposed by the Disciplinary Authority. It is therefore clear that for each of the charges, there is a substantial evidence on record and the charges are proved beyond any doubt. The Petitioner having involved in the serious misconduct is making attempt to throw the blame on others without any substantial evidence. The punishment imposed is in conformity with misconduct proved and it does not call for interference. The Respondent being a financial institution, cannot afford to keep the Petitioner in service. There are no merits in the dispute and the same is liable to be dismissed. It is therefore prayed to dismiss the claim petition.

4. **On the basis of rival pleadings of both the parties, following issues emerge for determination in the present ID**:-

I. Whether the domestic enquiry held against the Petitioner is legal and valid?

II. Whether the present industrial dispute is bad on the ground of delay and latches?

III. Whether the action of management State Bank of Hyderabad in terminating the services of Sri Ghouse Mohiuddin Khan on 11.3.2004 is legal and justified?

IV. To what relief if any the Petitioner is entitled for?

**Findings**:-

5. **Issue No.I**: - This issue has been decided vide order dated 29.4.2024 against the Workman and domestic enquiry has been held legal and valid.

Thus, Issue No.1 is answered accordingly.

6. **Issue No.II**:- Respondent has submitted that the Petitioner was dismissed from the services of the Respondent bank on proved charges of misappropriation vide letter No.F/D.P/RPR/747 dated 11.3.2004 whereas the Petitioner has raised industrial dispute against the said dismissal order dated 11.3.2004 in the year 2013 with an

inordinate delay of about 9 years and he has not furnished any explanation for such abnormal delay. Therefore, the present petition filed by the Petitioner is liable to be dismissed on the ground of delay and latches.

7. Perused the record. Undisputedly Petitioner who was employee of the Respondent bank was dismissed by the Respondent vide order dated 11.3.2004 and feeling aggrieved by the said order, Petitioner has filed present petition in the year 2013 after getting a reference from Government of India vide letter dated 12.7.2013. Therefore, there is an inordinate delay of about 9 years in raising the industrial dispute against the dismissal order dated 11.3.2004. Petitioner in his claim statement has not furnished any explanation about such inordinate delay in raising the industrial dispute against his dismissal order.

In this context following judgements of Hon'ble Supreme Court are relevant hence are referred as hereunder:-

In **K R Reddy Vs. Industrial Tribunal-II, Hyderabad, Hon'ble Court held**:-

*"The Supreme Court extensively considered the scope of relevant provisions and precedent decisions and held that there was inordinate, unexplained delay in referring the dispute."*

Therefore, the industrial dispute raised with inordinate unexplained delay is not maintainable due to delay and latches.

**In the case of Assistant Engineer, CAD, Kota and Dhan Kumwar, CA No.6473, 2006 III LLJ, the Hon'ble Apex Court have held:**

*"workman raising the dispute eight years after termination of service –therefore relief by Labour Court should not have been granted to workman."*

**In Haryana State Co-operative Land Development Bank and Neelam, 2005 I LLJ, the Apex Court held:**

*"Though no time limit prescribed for raising industrial dispute, but stale claim, could not be entertained – approaching Labour Court after delay of more than 7 years. Held:- justified refusal of relief in this case."*

Thus, in view of the law laid down by the Hon'ble Apex Court as discussed above, Petitioner has not explained inordinate delay of nine years in raising the present industrial dispute in his claim petition.

In the case of **Sri Prabhakar Vs. Joint Director Sericulture Department in Civil Appeal decision dated 7.9.15 Hon'ble Apex Court have held:-**

"*40) On the basis of aforesaid discussion, we summarise the legal position as under:*

*"An industrial dispute has to be referred by the appropriate Government for adjudication and the workman cannot approach the Labour Court or Industrial Tribunal directly, except in those cases which are covered by Section 2A of the Act. Reference is made under Section 10 of the Act in those cases where the appropriate Government forms an opinion that 'any industrial dispute exists or is apprehended'. The words 'industrial dispute exists' are of paramount importance unless there is an existence of an industrial dispute (or the dispute is apprehended or it is apprehended such a dispute may arise in near future), no reference is to be made. Thus, existence or apprehension of an industrial*

*dispute is a sine qua non for making the reference. No doubt, at the time of taking a decision whether a reference is to be made or not, the appropriate Government is not to go into the merits of the dispute. Making of reference is only an administrative function. At the same time, on the basis of material on record, satisfaction of the existence of the industrial dispute or the apprehension of an industrial dispute is necessary. Such existence/apprehension of industrial dispute, thus, becomes a condition precedent, though it will be only subjective satisfaction based on material on record. Since, we are not concerned with the satisfaction dealing with cases where there is apprehended industrial dispute, discussion that follows would confine to existence of an industrial dispute. Dispute or difference arises when one party make a demand and other party rejects the same. It is held by this Court in number of cases that before raising the industrial dispute making of demand is a necessary pre-condition. In such a scenario, if the services of a workman are terminated and he does not make the demand and/or raise the issue alleging wrongful termination immediately thereafter or within reasonable time and raises the same after considerable lapse of period, whether it can be said that industrial dispute still exist. Since there is no period of limitation, it gives right to the workman to raise the dispute even belatedly. However, if the dispute is raised after a long period, it has to be seen as to whether such a dispute still exists? Thus, notwithstanding the fact that law of limitation does not apply, it is to be shown by the workman that there is a dispute in praesenti. For this purpose, he has to demonstrate that even if considerable period has lapsed and there are laches and delays, such delay has not resulted into making the industrial dispute seized to exist. Therefore, if the workman is able to give satisfactory explanation for these laches and delays and demonstrate that the circumstances discloses that issue is still alive, delay would not come in his way because of the reason that law of limitation has no application. On the other hand, if because of such delay dispute no longer remains alive and is to be treated as "dead", then it would be non-existent dispute which cannot be referred. Take, for example, a case where the workman issues notice after his termination, questioning the termination and demanding reinstatement. He is able to show that there were discussions from time to time and the parties were trying to sort out the matter amicably. Or he is able to show that there were assurances by the Management to the effect that he would be taken back in service and because of these reasons, he did not immediately raise the dispute by approaching the labour authorities seeking reference or did not invoke the remedy under Section 2A of the Act. In such a scenario, it can be treated that the dispute was live and existing as the workman never abandoned his right. However, in this very example, even if the notice of demand was sent but it did not evoke any positive response or there was specific rejection by the Management of his demand contained in the notice and thereafter he sleeps over the matter for number of years, it can be treated that he accepted the factum of his termination and rejection thereof by the Management and acquiesced into the said rejection. Take another example. A workman approaches the Civil Court by filing a suit against his termination which was pending for number of years and was ultimately dismissed on the ground that Civil Court did not have jurisdiction to enforce the contract of personal service and does not grant any reinstatement. At that stage, when the suit is dismissed or he withdraws that suit and then involves the machinery under the Act, it can lead to the conclusion that dispute is still alive as the workman had not accepted the termination but was agitating the same; albeit in a wrong forum. In contrast, in those cases where there was no agitation by the workman against his termination and the dispute is raised belatedly and the delay or laches remain unexplained, it would be presumed that he had waived his right or acquiesced into the act of termination and, therefore, at the time when the dispute is raised it had become stale and was not an 'existing dispute'. In such circumstances, the appropriate Government can refuse to make reference. In the alternative, the Labour Court/Industrial Court can also hold that there is no "industrial dispute" within the meaning of Section 2(k) of the Act and, therefore, no relief can be granted.*

*41) We may hasten to clarify that in those cases where the Court finds that dispute still existed, though raised belatedly, it is always permissible for the Court to take the aspect of delay into consideration and mould the relief. In such cases, it is still open for the Court to either grant reinstatement without back wages or lesser back wages or grant compensation instead of reinstatement. We are of the opinion that the law on this issue has to be applied in the aforesaid perspective in such matters."*

In the present case, petitioner has averred in claim statement that against his dismissal order dated 11.3.2004 he preferred the appeal to first respondent on 12.6.2006 that came to be rejected on 30.6.2006. But petitioner failed to furnish any explanation why he didn't challenge his dismissal order dated 11.3.2004 and rejection order dated 30.6.2006 immediately thereafter and sleeping over the period of 7 years till he filed the claim petition during the year 2013. Thus, the dispute is no more exists in the present case due to delay and latches. Therefore, the present case is not maintainable on the ground of delay and latches.

Thus, Issue No.II is answered against the Workman and in favour of the Respondent.

8. **Issue No.III**:- According to the Petitioner, he was appointed as Lunch Room Attender with effect from 23.11.1999 in the Respondent bank and he has been dismissed from services vide order dated 11.3.2004 passed by Disciplinary Authority, Assistant General Manager of Respondent. Petitioner submits that the said order is illegal, against the principles of natural justice as the allegations levelled against the Petitioner vide chargesheet dated 3.9.2003 are not attributable to the Petitioner.

9. On the other hand, the Respondent has contended that Petitioner while working as Sweeper cum Peon on half scale wages at R.P. Road branch Secunderabad had committed serious irregularities/malpractices by resorting to fraudulent withdrawals from the accounts of customers /office as detailed in the charge sheet and he was served with the chargesheet and enquiry was conducted. Further, it was contended that the Petitioner voluntarily deposed before the Enquiry Officer that he admit the charges and no further enquiry is required and enquiry report dated 8.10.2003 submitted. Further, it is contended that the report of the Enquiry Officer was forwarded to the Petitioner for his submission or explanation on the enquiry report. The Petitioner submitted his representation on 20.1.2004 enquiry report stating that, he has become victim of circumstances and having realised the impact he has arranged for payment of money in full ensuring that the bank is not put to financial loss, and requested for personal hearing. Accordingly, Disciplinary Authority provided personal hearing and the Petitioner availed personal hearing on 21.2.2004. The Disciplinary Authority after considering the submission made by the Petitioner, enquiry report, after going through the entire record of the disciplinary proceedings and taking into consideration the gravity of charges held established against the Petitioner the Disciplinary Authority imposed the punishment of dismissal from bank's service vide order dated 11.3.2004. Thus, the Petitioner was given an opportunity to file appeal and Petitioner filed an appeal dated 20.4.2004 and the Appellate Authority vide his order dated 20.10.2004 dismissed the appeal confirming the management imposed by the Disciplinary Authority. Further, it is submitted that the Disciplinary Authority has considered all the aspects before coming to the conclusion while imposing the punishment of dismissal from service of the Petitioner in accordance with the provisions of law. The Petitioner having involved in the serious misconduct is making attempt to throw the blame on others without any substantial evidence. The Respondent being financial institution cannot afford to keep the Petitioner in service therefore there are no merits in the dispute and the same is liable to be dismissed.

10. In view of the submissions, perused the record of enquiry proceeding. The record of enquiry proceeding goes to reveal that Petitioner CSE was served with chargesheet dated 13.6.2003, containing different heads of the

charges in respect of Petitioner committed various fraudulent transactions/acts of misconduct in the alleged period, while he was working at State Bank of Hyderabad, RP Road branch as Peon on half wages. The details of the charges against the delinquent employees as mentioned in charge sheet are as hereunder:-

*"CHARGE I: On 25.03.2003 you have fraudulently withdrawn cash of Rs.8,500/- from the A/c No.533025 of Shri Dilip Srikrishna Tonde by using a Chequeleaf No.26886 from Surrendered cheque leaves 26884 to 26900 of A/c No.518310 of Mrs Merlyes D'Silva and Anothony Mary which account was closed on 04.09.2001.*

*CHARGE II: On 07.04.2003 you have withdrawn cash of Rs.9,500/- from the A/c No.533025 by using a Cheque bearing No.26896 which is a leaf of surrendered cheque leaves 26884 to 26900 of account No. 518310.*

*CHARGE III: On 05.02.2003 you have withdrawn cash of one Rs.3,200/- from the A/c No. 504602 of Smt.Shaheda Begum of your relatives by using a cheque leaf No.26884 from of surrendered Mrs Merlyes cheque leaves 26884 to 26900 of A/c No.518310 D'Silva and Anothony Mary which account was closed on 04.09.2001.*

*CHARGE IV: On 18.02.2003 you have withdrawn cash of Rs.15,000/- through your own account by giving fraudulent credit of Rs.15,000/- Shri C.S.Charyulu by debiting the account no.250480 of holder which is not being operated by the account since long time.*

*CHARGE V: On 10.04.2002 an amount of Rs.28,000/ was transferred to A/c No.504602 of Smt. Shaheda Begum one of your relative from the Account of Shri C.S.Charyulu A/c No.250480 which is not in operation since long and drawn the same Begum through your friend by using the cheque of Smt Shaheda duly forging her signature.*

*It is further alleged that in all the above transactions pertaining to withdrawals you alleged to have forged the signature of Shaheda Begum on the cheques for drawing amounts through her account, by using unauthorisedly the pass words of the Officers Sri.N.S.R.C.Murthy, Dy.Manager, Smt.Puma B.Vinod Kumar, Narasimha, Dy.Manager, Sri Alladi Raju, SplAsst. Sri Spl.Asst, and Smt. K.Krishna Veni DECO for putting through the transactions."*

11. The record of enquiry proceeding manifest that the chargesheet was served upon the workman and workman was given fair opportunity of hearing at every stage of the proceeding which he availed. During the enquiry proceeding, the workman has participated at every stage of proceeding and enquiry was conducted on 7.10.2003. During the enquiry proceeding, Enquiry Officer asked to CSE and CSE stated that he read the charge sheet and he is accepting the charges. Therefore, on the basis of the admission of charges by the workman the enquiry was concluded and Enquiry Officer submitted his report to the Disciplinary Authority with the finding of holding the workman guilty of the charges levelled against CSE. The copy of the enquiry report was also served to the CSE and Disciplinary Authority issued show cause notice to him. In response to show cause notice Petitioner workman submitted his explanation dated 29.1.2004 to the Disciplinary Authority, and in his explanation he admitted that he has become victim of circumstances and having realised the impact he has arranged for payment of money in full ensuring that the bank is not put to financial loss. Further, CSE requested the authority for personal hearing. Thus, the Petitioner CSE in his explanation dated 28.1.2004 has admitted misconduct committed by him as alleged in the chargesheet dated 13.6.2003. Disciplinary Authority after considering the material of enquiry proceeding together with the charges held the Petitioner as guilty of the misconduct and gravity of the intentional fraudulent action

committed by the CSE and also the submissions made by the CSE at final hearing imposed the punishment of dismissal to the CSE from bank's service vide order dated 11.3.2004. Against the said order Petitioner preferred the appeal that came to be dismissed after providing the hearing opportunity to the Petitioner workman by the Appellate Authority vide order dated 20.10.2004. Thus, dismissal order dated 11.3.2004 of the Petitioner workman has been passed by the Disciplinary Authority according to law by following the principles of natural justice. In view of the above, there is no perversity, irregularity, impropriety or illegality in the finding of the Enquiry Officer and Appellate Authority and therefore, findings of Enquiry Officer and order of dismissal of Petitioner are liable to be confirmed.

12. On the other hand, Petitioner has taken the plea that the branch staff members who were working in the RP Road branch at the relevant time including Assistant General Manager, Sri GS Murthy threatened the Petitioner and forced him to sign on few blank papers on 20.4.2003. Therefore, on the basis of admission made by Petitioner on blank papers Petitioner cannot be held liable for any misconduct.

13. In this context, perused the record of enquiry proceeding. Undisputedly Petitioner has been dismissed vide order dated 11.3.2004 passed by Disciplinary Authority, i.e., Assistant General Manager and in response to the enquiry report Petitioner has submitted his explanation dated 20.1.2004 therein he has admitted of committing misconduct as alleged in the chargesheet dated 13.6.2003 and also asked for providing opportunity for reforming his ways. Moreover, the Petitioner has made admission in his own handwriting in his explanation of committing misconduct of fraudulent transaction and misappropriation on 26.4.2003 and 30.4.2003 respectively. Further, documents on record reveal that on 26.4.2003 Petitioner has paid to the bank Rs.18,000/- towards part payment of various wrong transactions made by him. Further, the document dated 30.4.2003 goes to show that he has paid Rs.1,00,000/- into sundry deposit account for the wrong transaction he has made. He also admitted that earlier he has paid Rs.18,000/- on 26.4.2003 and Rs.750/- on 21.4.2003. Further, these documents dated 26.4.2003 and 30.4.2003 shows that on different dates he has withdrawn the amounts fraudulently from the Bank accounts of the customers and he also admitted that these amounts has been taken by him and he knows the User Password ID transactions done by him. Thus, from the perusal of above discussed documents it manifest that Petitioner has made voluntary admission of committing alleged misconduct. Therefore, the plea of the Petitioner that the admission has been obtained by the Respondent by force or by getting signed on blank paper is feeble and without force. Further, the rest of the pleas taken by the Petitioner in his claim statement have no force as the enquiry has been conducted by the Enquiry Officer by following the principles of natural justice, according to law and ample opportunity of hearing and producing the evidence was accorded to the CSE Petitioner during the enquiry.

14. As regards the proportionality of the imposition of the punishment of dismissal to the Petitioner from the service, Hon'ble High Court of Allahabad in the case of **Hori Singh Vs. State Bank of India, dated 16.3.2022 passed in WP No.30241/2016** is relevant. Therein the Hon'ble High Court have held:-

*"33. The bank employee/bank officer must perform his duty with absolute devotion, diligence, integrity and honesty, so that the confidence of the public/depositors is not impaired in the bank. The banking system is backbone of the Indian economy and financial establishment of the country. An officer who is found to have been involved in financial irregularities while preforming his function as bank officer, can not be let off even if there is minor infarction in the inquiry report. In the departmental inquiry standard of proof is not that of a criminal case i.e. beyond reasonable doubt. In departmental proceedings, the proof is merely the preponderance of probabilities. It is well settled that departmental proceeding can proceed even though a person is acquitted when the acquittal is other than honourable."*

15. Further, as regards the finding of the Enquiry Officer on the basis of admission of the charge by the Petitioner Hon'ble High Court in the case of **Hori Singh Vs. State Bank of India, dated 16.3.2022 passed in WP No.30241/2016** have held:-

"*29. The right of cross-examination accrues in disciplinary proceedings if the statement of a person, who has testified, is in dispute. If there is no dispute regarding the documents and the facts, in such a case there is no requirement for cross-examination. When on the question of facts there was no dispute, no real prejudice would be caused to a party aggrieved by an order, by absence of any formal opportunity of cross -examination per se does not invalidate or vitiate the decision arrived at fairly.*

*30. Supreme Court in the case of K.L. Tripathi Vs. State Bank of India and others, (1984) 1 SCC 43 in paragraph 32 held as under:-*

*"32. The basic concept is fair play in action administrative, judicial or quasi-judicial. The concept fair play in action must depend upon the particular lis, if there be any, between the parties. If the credibility of a person who has testified or given some information is in doubt, or if the version or the statement of the person who has testified, is, in dispute, right of cross-examination must inevitably form part of fair play in action but where there is no lis regarding the facts but certain explanation of the circumstances there is no requirement of cross-examination to be fulfilled to justify fair play in action. When on the question of facts there was no dispute, no real prejudice has been caused to a party aggrieved by an order, by absence of any formal opportunity of cross-examination per se does not invalidate or vitiate the decision arrived at fairly. This is more so when the party against whom an order has been passed does not dispute the facts and does not demand to test the veracity of the version or the credibility of the statement."*

However, in the case of **Coal India Ltd., Anr vs Mukul Kumar Choudhari & Ors on 24.8.2009 Civil Appeal No.5762-5763 of 2009**, the Hon'ble Apex Court as regard proportionality of the punishment, have laid down that, one of the test to be applied while dealing with the question of quantum of punishment will any reasonable employer have imposed such punishment in like circumstances? Obviously a reasonable employer is subject to take into consideration magnitude and degree of misconduct and other relevant circumstances and exclude from relevant matter before imposing the punishment. Therein the Hon'ble Apex Court have held:-

*"26. The doctrine of proportionality is, thus, well recognized concept of judicial review in our jurisprudence. What is otherwise within the discretionary domain and sole power of the decision maker to quantify punishment once the charge of misconduct stands proved, such discretionary power is exposed to judicial intervention if exercised in a manner which is out of proportion to the fault. Award of punishment which is grossly in access to the allegations*

*cannot claim immunity and remains open for interference under limited scope of judicial review. One of the tests to be applied while dealing with the question of quantum of punishment would be : would any reasonable employer have imposed such punishment in like circumstances? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment. In a case like the present one where the misconduct of the delinquent was unauthorized absence from duty for six months but upon being charged of such misconduct, he fairly admitted his guilt and explained the reasons for his absence by stating that he did not have any intention nor desired to disobey the order of higher authority or violate any of the Company's Rules and Regulations but the reason was purely personal and beyond his control and, as a matter of fact, he sent his resignation which was not accepted, the order of removal cannot be held to be justified, since in our judgment, no reasonable employer would have imposed extreme punishment of removal in like circumstances. The punishment is not only unduly harsh but grossly in excess to the allegations. Ordinarily, we would have sent the matter back to the appropriate authority for reconsideration on the question of punishment but in the facts and circumstances of the present case, this exercise may not be proper. In our view, the demand of justice would be met if the Respondent No. 1 is denied back wages for the entire period by way of punishment for the proved misconduct of unauthorized absence for six months."*

In **the case of M.L. Singla Vs. Punjab National Bank, Civil Appeal No.1841 decided on 20.9.2010 Hon'ble Apex Court have held:-**

"*once it is held that domestic inquiry is legal and proper the next question which arises for consideration is as to whether the punishment imposed on petitioner is just and legal or it is disproportionate to the gravity of the charges."*

Similarly, **SBI vs Hemant Kumar 2011 (11) SC 1890, Hon'ble Supreme Court have held:-**

*"11. The second reason assigned by the Tribunal that the Enquiry Officer should have allowed the Respondent the opportunity to lead evidence in rebuttal is also without substance in the overall facts of the case. The Respondent had already tendered two admissions of guilt in writing and one orally before PW.1 and there was hardly anything that could be said on his behalf to repel the charges.*

*12. We are, therefore, satisfied that the Tribunal's findings are wholly unreasonable and perverse and fit to be set aside. The High Court, unfortunately, did not consider the matter as it should have, in light of the discussions made above. The High Court's order is equally unsustainable. We, accordingly, set aside the order passed by the High Court and the award made by the Tribunal. The appeal is allowed but with no order as to costs."*

16. Further, reference of the case of the **United Bank of India vs. Bachan Prasad Lal Civil Appeal No. 2949 of 2011 date of decision 11.2.2022**, is relevant in this context. The facts of the case are that workman CSE was the bank employee and he fraudulently prepared 9 credit transfer vouchers on various dates on the pretext of payment of interest towards fixed deposits and crediting the whole amount to one saving account opened in the name of one Smt.Asha Devi (admittedly the fake account prepared by Respondent employee). In order to adjust the said amount he manipulated the other book records of the bank using forged signatures. After such nature of allegations stood proved, the disciplinary authority after taking into consideration the record of inquiry and the post held by the Respondent employee, imposed the punishment to employee with the penalty of dismissal from service. In that case Hon'ble Supreme Court have held:-

*"11. In our considered view, looking into seriousness of the nature of allegations levelled against the Respondent employee, the punishment of dismissal inflicted upon him in no manner could be said to be shockingly disproportionate which would have required to be interfered with by the Tribunal in exercise of its power under Section 11A of the Act 1947. At the same time, merely because the employee stood superannuated in the meanwhile, will not absolve him from the misconduct which he had committed in discharge of his duties and looking*

*into the nature of misconduct which he had committed, he was not entitled for any indulgence. The Bank employee always holds the position of trust where honesty and integrity are the sine qua non but it would never be advisable to deal with such matters leniently.*

*12. Consequently, the appeal succeeds and is allowed. The interference made by the Tribunal and the High Court in the impugned judgment is hereby set aside. No costs."*

Thus, in view of the fore gone discussion, and law laid down by Hon'ble Apex Court as discussed above, I am of considered view that there is no perversity or illegality or irregularity in finding of the Enquiry Officer and order of imposition of punishment of dismissal of the Petitioner is proportionate to charges levied against him. The charges proved against the Petitioner are serious in nature therefore, the order of dismissal passed against the Petitioner cannot be faulted with and it can not be said disproportionate to the gravity of the charges.

Therefore, this issue is answered against the Workman.

**17.** **Issue No.IV**:- In view of the finding given in Issues No. I, II & III, the Petitioner is not entitled to get any relief and claim petition sans merit, liable to be dismissed.

Therefore, Issue No.IV is decided accordingly.

## AWARD

The action of the management of State Bank of Hyderabad in terminating the services of Sri Ghouse Mohiuddin Khan w.e.f. 11.3.2004 is held legal and justified. The workman is not entitled to any relief as prayed for and claim petition is dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1204.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (13/2019) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-I)-81]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1204.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.13/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B.I)-81]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer
Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 13/2019**

Between:

Dasari Laxman S/o Yaraiah
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o Pragnapur Road
Jagadevapur, Siddipet District – 502281 .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 … Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**A W A R D**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 13 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Dasari Laxman has been regularized with ID No 37424 and posted at Toopran road branch, Gajwel-8186 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1205.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (12/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)80]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1205.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.12/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B.I)-80]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 12/2019**

Between:

Alijala Naveen S/o Prakasam
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 5-78, Addagudur Village and Mandal
Yadadri Bhongiri District – 508277 ..….Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 ..….Respondents
Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**AWARD**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 12 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Alijala Naveen has been regularized with ID No 37666 and posted at Akkenepally - 6289 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1206.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (11/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)79]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1206.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.11/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-79]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 10/2019**

Between:

Devarapally Anji Reddy S/o Pichi Reddy
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 6-9-199/C52, NGB Colony
Padma Nagar, Nalgonda District - 508001 ..….Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 ….Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**A W A R D**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 11 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Devarapally Anji Reddy has been regularized with ID No 37312 and posted at Munugode X Road Nalgonda -6314 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1207.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (10/2019) प्रकाशित करती है।

[सं. एल-12012/01/2025-आई आर (बी-I)-78]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1207.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.10/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B.I)-78]
SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 10/2019**

Between:

Rajolu Prajsad S/o Somaiah
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o Maddirala,
Nalgonda District - 508280 .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 … Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate
For the Respondent: Ms V Uma Devi, Advocate

**AWARD**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 10 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Rajolu Prajsad has been regularized with ID No 37386 and posted at Mothe -6230 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1208.—** औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (8/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)-76]
सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O.1208.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.8/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-76]
SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 8/2019**

Between:

Narsing Ganesh Goud S/o Venkulu
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 6/109/C4, Kangal Raod
Nalgonda District .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 … Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**A W A R D**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 8 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Narsing Ganesh Goud has been regularized with ID No 37337 and posted at Nampally-6209 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1209.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (7/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)-75]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1209.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.7/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-75]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 7/2019**

Between:

Panthangi Devaiah S/o Lingaiah
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 1-75, Gunlapally, Kanchenpalle Post
Nalgonda District – 508001 .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 … Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**AWARD**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 7 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Panthangi Devaiah has been regularized with ID No 37258 and posted at LCPC Nalgonda-9907 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1210.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (6/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)-74]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1210.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.6/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-74]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 6/2019**

Between:

Panasa Ramulu S/o P Lingaiah
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 1-75, Gunlapally,
Nalgonda District – 508001 .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 ….. Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate
For the Respondent: Ms V Uma Devi, Advocate

**AWARD**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 6 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Panasa Ramulu has been regularized with ID No 37443 and posted at Sarvail-6310 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1211.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (5/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)-73]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1211.—** In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.5/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-73]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 5/2019**

Between:

Aithagoni Srinivas S/o Venkataiah
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 2-1 A2, Rajamalla Colony,
G Chennaram, Nalgonda District – 508001 .....Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 … Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**A W A R D**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 5 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Aithagoni Srinivas has been regularized with ID No 37557 and posted at Mungode-6279 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 27 जून, 2025

**का.आ. 1212.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्र प्रदेश ग्रामीण विकास बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (4/2019) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर (बी-I)-72]

सलोनी, उप निदेशक

New Delhi, the 27th June, 2025

**S.O. 1212.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.4/2019*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Pradesh Gramimeena Vikasa Bank and their workmen.

[No. L-12025/01/2025- IR(B-I)-72]
SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**
Presiding Officer

Dated the 11th day of June, 2025

**INDUSTRIAL DISPUTE LCID No. 4/2019**

Between:

Boddually Shankaraiah S/o Venkatadri
Casual worker of Andhra Pradesh Grameena Vikasa Bank
R/o 1-142, Dandempally Village & Post,
Yadadri Bhongiri District – 508001 ..….Petitioner

AND

Chairman / General Manager.
Andhra Pradesh Grameena Vikasa Bank
Door No 2-5-8/1, Ram Nagar,
Hanmakonda – 506001 …...Respondents

Appearances:
For the Petitioner : D Sunil Kumar, Advocate

For the Respondent: Ms V Uma Devi, Advocate

**A W A R D**

The present application has been filed by the petitioner under section 2(A)(2) of ID Act, 1947 with a prayer to pass appropriate orders by declaring the retrenchment of services of petitioner by respondent from 31-12-2017 is not in accordance with provisions of ID Act 1947 and amounts to unfair labour practice and direct the respondent to reinstate the petitioner with full back wages, continuity of service with regular pay scale, regularization, ancillary benefits from the date of appointment.

2. The application is numbered in this Tribunal as LCI.D. No. 4 of 2019 and notices were issued to the parties concerned.

3. Matter placed today in the special drive for disposal of cases. The respondent has filed a memo with the averment that the petitioner Shri Boddually Shankaraiah has been regularized with ID No 37375 and posted at Kattangur-6255 Branch of respondent and prayed to close the main case as the dispute is already settled amicably under the ID Act by the parties to the dispute. The counsel for petitioner acknowledged the memo filed by the respondent and confirmed the averments of the memo.

4. Perused the record. In view of memo filed by respondent and acknowledgement of counsel for petitioner, the present dispute filed under section 2(A)(2) of ID Act is closed as withdrawn.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 11th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 30 जून, 2025

**का.आ. 1213.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 45/2017-18)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/143/2017-आई आर (सीएम- II)]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1213.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 45/2017-18)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-12012/143/2017- IR(CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/45/2017-18 Date: 05.06.2025.

**Party No.1**: 1. The Director (Personnel),
Western Coalfields Limited,
Coal Estate, Civil Lines,
Nagpur – 440001.

2. The General Manager,
Western Coalfields Limited Nagpur Area,

Jaripatka, Nagpur – 440014.

3. The General Manager,

Western Coalfields Limited,

Umred Project, Post & Tah. Umred, Distt Nagpur – 441204

**V/s.**

**Party No.2**: 1. The President,

Koyla Shramik Sabha (HMS), Registered Office:

Kharabe Building, 5, New Cotton Market,

Ghat Road, Nagpur – 440018.

2. Sh. Moreshwar D. Moinkar & 14 others,

Unit Secretary, Koyla Shramik Sabha (HMS),

Umred, Distt Nagpur.

**AWARD**

(Dated: 05th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Limited, and their workmen Shri. Moreshwar D. Moinkar & 14 others, for adjudication, as per letter **No. L-22012/143/2017 (IR(CM-II) dated 30.01.2018,** with the following schedule:-

> **"Whether the action of the management of Western Coalfields Limited Nagpur area & Umrer area in not offering the re-employment to Shri. Moreshwar D. Moinkar & 14 others as mentioned in the list annexed, before appointing fresh hands, is just fair or legal? If not, to what relief is entitled to the concerned workman to?"**

2. Case is called out. Both the parties are absent.

From perusal of record, it is apparent that notice was sent to the respondents, which is served to the respondent no. 1. But no one is present on behalf of respondents despite service of notices.

Petitioner is not coming to the Court since 11.11.2019. Petitioner has not filed his statement of claim and he has also not filed any other evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The action of the management of Western Coalfields Limited Nagpur area & Umrer area in not offering the re-employment to Shri. Moreshwar D. Moinkar & 14 others as mentioned in the list annexed, before appointing fresh hands, is just fair or legal. The concerned workmen are not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1214.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण–सह –श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 23/2021–22)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/06/2025** को प्राप्त हुआ था।

[सं. एल-22012/11/2022-आई आर (सीएम- II)]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1214.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 23/2021-22*)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-22012/11/2022- IR(CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/23/2021-22 Date: 12.06.2025.

**Party No.1**: 1. The General Manager,
Wani Area of WCL,
Po. Urjagram Tadali,
Distt. Chandrapur (M.S.) – 442406.

2. The Sub Area Manager,
Neeljay Sub- Area of WCL,
Po. Bellora, Tah. Wani,
Distt. Yavatmal (M.S.) – 445319.

**V/s.**

**Party No.2**: The Area President,
Koyla Shramik Sabha (HMS),
Qrt. No. 1, Ghugus, Distt.
Chandrapur (M.S.)- 442505

**AWARD**

(Dated: 12th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Wani Area, western Coalfields Limited, and their workman Shri Tikaram Sukhiram Sahoo through Sub Area Manager, Neeljay Sub Area, for adjudication, as per letter **No. L-22012/11/2022 (IR(CM-II) dated 14.02.2022,** with the following schedule:-

**"Whether the demand raised by Area President of Koyla Shramik Sabha (HMS), after Order dated 26/06/2018 of Hon'ble High Court of Judicature at Bombay Nagpur Bench at Nagpur in Writ Petition No. 1921/2017 filed by Tikaram Sukhiram Sahoo..Vs..The Superintendent of Mines/Manager WCL Yavatmal, against the management of WCL (General Manager, Wani Area & Sub-Area Manager, Neeljay) over the issue of protection of pay of Shri Tikaram Sukhiram Sahoo on his selection as Dumper Operator ( conversion from piece rated to time rated on administrative ground) is legal and justified? If yes, what relief the concerned workman is entitled to?"**

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 28/03/2022 despite service of notices. No statement of claim and written statement have been filed by the parties respectively till today. No other evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The demand raised by Area President of Koyla Shramik Sabha (HMS), after Order dated 26/06/2018 of Hon'ble High Court of Judicature at Bombay Nagpur Bench at Nagpur in Writ Petition No. 1921/2017 filed**

**by Tikaram Sukhiram Sahoo..Vs..The Superintendent of Mines/Manager WCL Yavatmal, against the management of WCL (General Manager, Wani Area & Sub-Area Manager, Neeljay) over the issue of protection of pay of Shri Tikaram Sukhiram Sahoo on his selection as Dumper Operator (conversion from piece rated to time rated on administrative ground) is illegal and unjustified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1215.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण–सह –श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 40/2015–16)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/86/2015-आई आर (सीएम- II)]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1215.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 40/2015-16)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-22012/86/2015- IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/40/2015-16 Date: 19.05.2025.

**Party No.1**: 1. The General Manager,
M/s. Western Coalfields Limited,
Ballarpur Area, PO : Chandrapur,
Distt. Chandrapur,
Chandrapur (M.S.) – 441215

2. The Sub Area Manager,
Gouri Sub Area of Western Coalfields Ltd.,
Post Gouri, Tah. Bhadrawati,
Distt. Chandrapur,
Chandrapur (M.S.) - 441215

**V/s.**

**Party No.2**: The Vice President,
All India SC/ST/OBC Employees Coordination Council
D-64, Link Road, Sadar,
Nagpur – 440001. Nagpur.

**AWARD**

(Dated: 19th May, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of M/s. Western Coalfields Limited, and their workman Shri. Shyam Kandilal Puri, for adjudication, as per letter **No.L- 22012/86/2015 (IR(CM-II)) dated 23.12.2015,** with the following schedule:-

**"Whether the demands raised by Shri Shyam Kandilal Puri, applicant for correction in date of birth on the basis of School Certificate or sending his case to Medical Board for determination of his age and demands supported by the Vice President, SC/ST/OBC Employees Co-ordination Council is just fair and legal? If yes, to what relief the concerned workman is entitled to?"**

2. Case is called out. Learned Counsel for the respondent Shri. R.E. Moharir is present before the Court. None is present on behalf of the petitioner. Petitioner is not responding and attending the Court since 30.09.2019. Although, statement of claim and written statement have been filed by the parties respectively. Petitioner has also filed his affidavit as evidence but petitioner is not coming to the Court to prove the contents of the affidavit as well as contents of the statement of claim. No other evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The demands raised by Shri Shyam Kandilal Puri, applicant for correction in date of birth on the basis of School Certificate or sending his case to Medical Board for determination of his age and demands supported by the Vice President, SC/ST/OBC Employees Co-ordination Council is unjust unfair and illegal. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1216.**—औद्योगिक विवाद अधिनियम. 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **तांगानी स्टोन माइंस** के प्रबंधतंत्र के संबद्ध नियोजकों और **उनके कर्मचारी** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद, पंचाट (रिफरेन्स न.-74/2004)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. एल-29011/22/2004-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1216.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 74/2004)** of the **Central Government Industrial Tribunal cum Labour Court-1, Dhanbad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Tangani Stone Mines** and **Their Workman** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. L-29011/22/2004-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**

In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.

**Reference Case No. 74/2004**

Employer in relation to the management of Tangani Stone Mines, Barharwa.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

**Appearances:**

For the Employers :- Sri S.N. Ghosh, Ld. Advocate

For the workman. :- None.

State : Jharkhand. Industry:-Stone Mines

Dated 06/06/2025

**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),Government Of India through the Ministry of Labour, vide its Order No.L-29011/22/2004-(IR(M)) dated 04/06/2004 has been pleased to refer the following dispute between the employer i.e. management of Tangani Stone Mines, Barharwa and their workman through General Secretary, Santhal Pargana Stone Quarry Workers Union, Barharwa, Sahibganj for adjudication by this Tribunal:

**SCHEDULE**

**"Whether the action of the management of M/s Tangani Stone Mines, Barharwa, represented by Shri SetabuddinSeikh of Barharwa, in terminating the services of Shri BinuSwarnakar, Mines Sueprvisor without complying Section 25F of the I.D. Act, is legal and or justified? If not, to what relief the workman concerned is entitled?"**

2. On receiving order no. L-29011/22/2004-(IR(M)) dated 04/06/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 74 of 2004 was registered on 19.07.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of notice, Sri K. Chakrabortty, Advocate appeared from the side of the workman and Sri S.N. Ghosh, Advocate appeared from the side of the employer but none of them filed W/S or adduced any evidence and later on, even after issuance of registered notice to both the parties on 20.12.2021, none appeared from either side and absented themselves since the year 2021 though Sri S.N. Ghosh, Advocate appeared on 06.06.2025 again but the workman continued to remain absent and therefore, this Tribunal is of the opinion that this case deserves to be dismissed due to non prosecution.

4. Hence,

**ORDERED**

that this case is hereby dismissed and a "No Dispute Award" be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1217.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **हिंदुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **पेट्रोलियम वर्कर्स यूनियन** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-56/2024)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-86]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1217.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award **(Reference No. 56/2024)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Hindustan Petroleum Corporation Limited** and **Petroleum Workers Union** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. Z-16025/04/2025-IR(M)-86]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 9th day of June, 2025

**INDUSTRIAL DISPUTE No. 56/2024**

Between:
The General Secretary,
Petroleum Workers union,
Visakhapatnam, Andhra Pradesh- 530011. ..…Petitioner
AND

The Executive Director,
Hindustan Petroleum Corporation Limited,
Visakha Refinery,
Post Box No 15, Visakhapatnam-530 011. … Respondents
Appearances:

For the Petitioner : General Secretary of the Union

For the Respondent: Sri GVS Ganesh, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.8/35/2024-B1 dated 10/12/2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. HPCL, Visakhapatnam and their workmen. The reference is,

**SCHEDULE**

"Whether the action of the management of Hindustan Petroleum CorporationLimited, Visakh Refinery, Visakhapatnam regarding non-payment of Productivity Intencive Scheme on the revised basic from July 2017 to March 2020 to workmen is legal and justified ? If not, what relief the workmen are entitled to?"

The reference is numbered in this Tribunal as I.D. No. 56/2024 and notices were issued to the parties concerned.

2. Matter placed today in the special drive for disposal of cases. The petitioner has filed a memo with the averment that on one time basis the Respondent has proposed an upgradation policy for which Memorandum of Understanding (MoU) were signed by the unions on 13.3.2025 and 30.4.2025 respectively and the same will be converted into a Memorandum of Settlement (MoS) in the presence of the Deputy Labour Commissioner (C) and Regional Labour Commissioner (C). Therefore, the petitioner prayed that they want to withdraw the referred dispute.

3. Perused the record. In view of memo filed by petitioner, petitioner is permitted to withdraw the referred dispute and reference is answered accordingly.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 9th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|

NIL NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 30 जून, 2025

**का.आ. 1218.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **हिंदुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **पेट्रोलियम वर्कर्स यूनियन** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-57/2024)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-87]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1218.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 57/2024)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Hindustan Petroleum Corporation Limited** and **Petroleum Workers Union** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. Z-16025/04/2025-IR(M)-87]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 9th day of June, 2025

**INDUSTRIAL DISPUTE No. 57/2024**

Between:

The General Secretary,

Petroleum Workers union,

Visakhapatnam, Andhra Pradesh- 530011. ..….Petitioner

AND

The Executive Director,

Hindustan Petroleum Corporation Limited,

Visakha Refinery,

Post Box No 15, Visakhapatnam-530 011. … Respondents

Appearances:

For the Petitioner : General Secretry of the Union

For the Respondent: Sri GVS Ganesh, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.8/36/2024-B1 dated 10/12/2024 referred the

following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. HPCL, Visakhapatnam and their workmen. The reference is,

**SCHEDULE**

"Whether the action of the management of Hindustan Petroleum CorporationLimited, Visakh Refinery, Visakhapatnam regarding non-release of notification in 2024 for promotion from non-management to management is legal and justified? If not, what relief the workmen are entitled to?"

The reference is numbered in this Tribunal as I.D. No. 57/2024 and notices were issued to the parties concerned.

2. Matter placed today in the special drive for disposal of cases. The petitioner has filed a memo with the averment that on one time basis the Respondent has proposed an upgradation policy for which Memorandum of Understanding (MoU) were signed by the unions on 13.3.2025 and 30.4.2025 respectively and the same will be converted into a Memorandum of Settlement (MoS) in the presence of the Deputy Labour Commissioner (C) and Regional Labour Commissioner (C). Therefore, the petitioner prayed that they want to withdraw the referred dispute.

3. Perused the record. In view of memo filed by petitioner, petitioner is permitted to withdraw the referred dispute and reference is answered accordingly.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 9th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 30 जून, 2025

**का.आ. 1219.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **हिंदुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **पेट्रोलियम वर्कर्स यूनियन** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-58/2024)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-88]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1219.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 58/2024)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Hindustan Petroleum Corporation Limited** and **Petroleum Workers Union** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. Z-16025/04/2025-IR(M)-88]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 9th day of June, 2025

**INDUSTRIAL DISPUTE No. 58/2024**

Between:

The General Secretary,

Petroleum Workers union,

B-12 East, Yarada Park, Malkapuram,

Visakhapatnam, Andhra Pradesh- 530011. ..…Petitioner

AND

The Executive Director,

Hindustan Petroleum Corporation Limited,

Visakha Refinery,

Post Box No 15, Visakhapatnam-530 011. … Respondents

Appearances:

For the Petitioner : General Secretry of the Union

For the Respondent: Sri GVS Ganesh, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.8/38/2024-B1 dated 10/12/2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. HPCL, Visakhapatnam and their workmen. The reference is,

**SCHEDULE**

"Whether the action of the management of Hindustan Petroleum CorporationLimited, Visakh Refinery, Visakhapatnam regarding non-farming of fresh Career Development Policy due from May-2023 to the Workmen is legal and justified? If not, what relief the workmen are entitled to?"

The reference is numbered in this Tribunal as I.D. No. 58/2024 and notices were issued to the parties concerned.

2. Matter placed today in the special drive for disposal of cases. The petitioner has filed a memo with the averment that on one time basis the Respondent has proposed an upgradation policy for which Memorandum of Understanding (MoU) were signed by the unions on 13.3.2025 and 30.4.2025 respectively and the same will be converted into a Memorandum of Settlement (MoS) in the presence of the Deputy Labour Commissioner (C) and Regional Labour Commissioner (C). Therefore, the petitioner prayed that they want to withdraw the referred dispute.

3. Perused the record. In view of memo filed by petitioner, petitioner is permitted to withdraw the referred dispute and reference is answered accordingly.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, Lower Division Clerk , corrected by me on this the 9th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 30 जून, 2025

**का.आ. 1220.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार **कमांड गैस एजेंसी** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री चदाराम अप्पा राव** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-39/2014)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. एल-30012/64/2013-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1220.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 39/2014)** of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Command Gas Agency** and **Sri Chadaram Appa Rao** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. L-30012/64/2013-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: **Sri IRFAN QAMAR**
Presiding Officer

Dated the 9th day of June, 2025

**INDUSTRIAL DISPUTE No. 39/2014**

Between:

Sri Chadaram Appa Rao,
D.No.58-3-12/1, Ramunaidu Colony,
Marripalem (Post),
Visakhapatnam-530018. ….. Petitioner

AND

1. The commanding Officer,
   INS Circars, Naval Base (Post)
   Chief Patron and President of Command
   Gas Agency No.II, 104 Area,
   Visakhapatnam – 530 014.
2. The Officer in-charge,
   Command Gas Agency No.II,
   Sri Vijayanagar Colony,
   104 Area, Marripalem (Post),
   Visakhapatnam -530 018. …. Respondents

Appearances:

For the Petitioner : Sri Rapeti Srinivasa Rao, Advocate

For the Respondent: Sri D. Ramesh, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-30012 / 64/ 2013 -IR(M) dated 21.2.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of INS Circars, Naval Base (Post) and their workman. The reference is,

**SCHEDULE**

"Whether the action of the management of Command Agency-II, SVN Colony, 104 Area, Vijayanagar Colony, Visakhapatnam in terminating the services of Shri Chadaram Appa Rao, Ex-Assistant cum

accountant is legal and justified? If not, to what relief the workman concerned is entitled?"

The reference is numbered in this Tribunal as I.D. No. 39/2014 and notices were issued to the parties concerned.

2. **The averments made is the claim statement are as follows**:

The workman submits that he was appointed as Assistant Manager cum Accountant at Command Gas Agency-II, 104 Area, Visakhapatnam under management and control of HQENC after being conducted an interview on 28.6.2000. According to condition of contract of service the said post was not transferable post and the Petitioner was given identity card from time to time. Further, it is submitted that the nature of duties concerned are, preparation of cashbook on day to day basis, looking after getting stocks, liaison with distributor/ supplier Bharat Petroleum Corporation Ltd., of gas and headquarter correspondence, preparation of quarterly balance sheet and bank reconciliation statement, keeping stock ledgers, trading account on day to day and fortnightly and monthly basis, preparation of monthly salary statements under the instruction of officer in charge of command gas agency for getting stationary from BPCL, maintaining stocks of regulators and cylinders. The Workman has no power of taking any decision in day to day work and each and every work would be done under the regular instructions of officer in charge and manager concerned. Further, it is stated that Petitioner Workman was issued a fabricated show cause notice by the Officer in-charge, Command Gas Agency-II, Sri Vijayanagar Colony, 104 area on 7/5/2011 signed on 16.5.2011 and served on the Petitioner on 18.5.2011 and that as it is vindictive grounded on surmises and conjunctures with an oblique motive to assassinate conduct of the Petitioner and to screwing him particularly on a premise that he is only responsible for the demand of industrial laws to the non-public fund employees of Indian Navy. However, the applicant had given a reply vide his letter dated 25.5.2011 which is self-explanatory. Then the applicant was issued transfer order by Commanding Officer, CGA-II, Visakhapatnam vide his order dated 11.5.2011 to report at the other end with effect from 17.5.2011. As the post per se he is not transferable according to the service conditions laid in the appointment order the principles of natural justice need to be followed where there contemplated change in the service conditions of an employee particularly like the one in question. The same has been de-horsed that renders the order badly in law much less can be said under the rule of law. The applicant submitted a representation dated 16.5.2011 and that has not been considered. Further, it is submitted that his identity card has been seized by the management to render any of his movements directed to be called as unauthorised and to take him to task for no fault of him. Under these mitigating circumstances he reported at the other end on 30.5.2011. The applicant had also posted the matter to the knowledge of the Assistant Commissioner of Labour (Central), Visakhapatnam. Further, it is submitted that the CO of the Respondent vide his letter dated 1.6.2011 arrayed allegations of forgery of signature of the officer in charge by the applicant and further directed him to appear before some private doctor with whom CO has been running hand in globe to gather air and dust against the applicant. It is submitted that the Petitioner was also threatened of discontinuation of service which is void ab- initio, illegal, unfair, against the principles of natural justice. Further, the management vide their notice dated 9.6.2011 given a 3 months notice for termination of service and threat, the same was served on Petitioner on 18.6.2011. The Petitioner gave reply dated 12.9.2011. No enquiry was held, no service benefits have been paid, no written termination specifically terminating services of the Petitioner has been given and that the Petitioner has not been gainfully employed right from the day of termination. Therefore, the decision taken by the management is obviously arbitrary, unlawful, wrongful, illegal, illogical, capricious and against the principles of natural justice and therefore it is liable to be set aside and consequently the management be advised to reinstate the Petitioner with all consequential benefits including the back wages in full and continuity of service etc..

3. Per Contra, Respondent has filed counter and it is submitted that the Command Gas Agency is a Non-Public Fund organization and no Government funds are either allocated or spent for the purpose of the agency. The Command Gas Agency supplies cooking Gas (LPG) for the benefit of Naval personnel residing in and around SVN Colony, Marripalem. The agency is run from the commission given by BPCL on sale of cooking Gas. As such the Command Gas Agency is a Non Public Fund managed by an Officer-in-Charge of the area and the Government has nothing to do with the appointment and employment of the agency. Therefore, the Non-Public Fund agency will not come under the purview of the Industrial Disputes Act. As such the application before this Tribunal is not maintainable under law. The Command Agency II, SVN Colony, 104 Area, Visakhapatnam constitutes an essential service for the supply of LPG cylinders to about 2300-2400 families of Defence service personnel staying in and around SVN Colony, Marripalerm. Five in number civilians are employed on consolidated honorarium basis and are paid through the financial yields earned by the gas agency alone. They are to look after day-to-day functioning of the agency. Being a Non-Governmental agency, no Government funds are authorized /accorded sanction hitherto. It is submitted that Sri Chadaram Apparao, was appointed on 31.1.1998 as Assistant Manager cum Accountant. It is submitted that Sri Chadaram Apparao was appointed as Asst. Manager cum Accountant, Command Gas Agency-II, 104 area, w.e.f. 31.1.1998 and was carrying out his duties till 28.5.2011 after which the applicant was internally transferred to Command Gas Agency-II, 104 area, the applicant has carried out his duties which he has been engaged through a Non-Government organization. Assured honorarium and other incentives for his workman ship has date the applicant served in this gas agency. The appointment letter which was given to the applicant for the Command Gas Agency-II, 104 area, Visakhapatnam, never quoted that the applicant would not be transferred to any of the other branches of the agency. Incidentally both Command gas agencies are under the same office namely INS Circars.

Both are also looking after the needs of naval personnel of same command. These gas agencies are merely separated by about 10 Kms. However, the applicant had habit and behavior of such acts for the past one year were found not to be conducive for smooth functioning of the agency and have been immensely embarrassing for the management of the Gas Agency. The applicant has been observed to be getting involved in illegal activities like, a) Initiating signature campaign by force and sometimes forging signatures of Employees. B) Selling gas stoves to all new customers compulsorily without any authority. Every organization has its code of conduct and nobody is allowed or submitted to cross his limits of interference, demoralizing other, fording unwarranted influence on other employees of the organization. Rather, with the span of experience gained through period, one has to imbibe a quality of belonging /involvement with his junior colleagues. Whereas, the applicant had totally displayed his insubordination to the in-charge and even the Officer-in-charge of the agency on several occasions prior to his transfer to Nausena Baugh. The statement of Officer -in-charge bearing grudges is absolutely false, as all the acts of misconduct were factual and totally objective. As regards to non-implementation of orders of higher authorities by any officer in defence is beyond anybody's belief and comprehension. Within the permissible /feasible financial status of the Command Gas Agency II funds time to time increment /revision were made for its employees. In certain allocations were cancelled and the gas agency honorarium was also revived on par with other existing Non Public Funds available. The allegations leveled by the applicant are baseless and misleading. It is submitted that there has been a number of occasions prior to 07 May 2011 when the applicant had been served Show Cause Notice / warning letters with respect to his misconduct viz.. unauthorized absence, inciting his colleagues for not reporting to office, not accepting honorarium etc.. He has been in habit of refusing any sort of orders or written letters from the incharge and even the officer-in-charge of agency on several occasions prior to his transfer to Command Gas Agency, Nausena Baugh. However, despite the above, when there was no improvement in his conduct, another Show Cause Notice dated 07May 2011 was served to the applicant to explain in writing, as to why he should not be terminated. The applicant in his reply dated 23 May 2011 failed to give any cogent reason for his misconduct. Instead, he in the reply mentions that there were no SCN issued to him before 07 May 2011. The said averment by the applicant is false and misleading. It is further submitted that numerous warning/SCN's served to the applicant prior to SCN dated viz.. It is submitted that Sri Chadaram Apparao was appointed as Asst. Manager cum Accountant, Command Gas Agency-II, 104 area, w.e.f. 31st Jan 1988 and was carrying out his duties till 28th May 2011 after which the applicant was internally transferred to Command Gas Agency-II, Nausena Baugh, Malkapuram, Visakhapatnam. Incidentally both command gas agencies are under the same office namely INS Circars. Both are also looking after the needs of naval personnel of same command. Both are also looking after the needs of naval personnel of same command. The appointment letter which was served to the applicant for the Command Gas Agency-I, 104 area, Visakhapatnam, never quoted that the applicant would not be transferred UN to any of the branches of the agency. It is further submitted that since the applicant was transferred from Command Gas Agency-II, SVN Colony to Command Gas Agency - at Nausena Baugh, Malkhapuram as per the extant guidelines his security pass for SVN colony was taken back subsequently the applicant reported to Command Gas Agency, Nausena Baugh at 1200 Hrs on 30 May 2011 and left (requesting for leave), and proceeded on leave without concurrence of management of Command Gas Agency, Nausena Baugh. It is submitted that the identity card submitted by the applicant to the administrative officer SVN colony, 104 area, revealed the validity period of the identity card till 30 Jun 2011 as having been signed by AO. However, on enquiry it was revealed that no such extension was granted and signature of AO were found to be forged. As the Gas Agency is located in the Defence area where security is paramount important, commission of offence or forgery o the identity card was considered to be of serious concern Accordingly CO INS Circars vide letter 100/1 dated 01 Jun 2011 called upon the applicant to explain in writing as to why his services should not be discontinued. It is further submitted that post his commission of the offence, an FIR has been registered in the respective Police station. The Police is investigating the case as it is serious case of security breach of defence establishment since the applicant proceeded on leave immediately on reporting to Nausena Baugh, without concurrence of authorities and his leave application mentioned that he was unwell and required leave from 31 May 2011 to 14 May 2011, he vide letter ibid, was also directed to report to the doctor for medical examination. Therefore, the allegation leveled by the applicant against any respected and qualified doctor and giving incorrect opinion, is totally erroneous. This is again a very serious accusation and shows the applicants attitude towards everyone. Despite repeated efforts, when the applicant failed to report for duty or to submit any medical documents or report to any prescribed medical practitioner, in accordance with the extant instructions /guidelines with respect to his appointment, the Commanding Officer vide letter 100/1 dated 09 Jun 2011, issued three months notice of termination of his services.

4. The workman has filed photocopies of 22 documents Ex.W1 to W22 to prove his claim and also examined witness WW1 in oral evidence. On the other hand, Respondent has examined MW1 and no documentary evidence filed. Both the parties filed their written arguments.

**5. <u>On the basis of rival pleadings of either parties the following issues emerge for determination</u>**:-

I. Whether the action of the Respondent management Command Gas Agency-II, 104 Area, Visakhapatnam in terminating the services of Petitioner Sri Chadaram Apparao vide order dated 9.6.2011 is legal and justified?

II. To what relief if any the Petitioner is entitled for?

**Findings**:-

6. **Issue No.I**:- This issue pertains to the legality of the action of the Respondent management in terminating the services of Petitioner Workman. In this context, Petitioner Workman has submitted that he was appointed as Assistant Manager cum Accountant at Command Gas Agency-II, 104 area, Visakhapatnam with effect from 31.1.1998 on the honorarium of Rs.1700/- per month. Ever since then he has worked under various officers stood posted as Officer in charge, Command Gas Agency-II, Sri Vijayanagar Colony, 104 area, Visakhapatnam. Further, the Petitioner submitted that the Respondent management issued his transfer order dated 11.5.2011 and directed him to report at the other end with effect from 17.5.2011. As per the condition of the appointment his post was not transferable and if there was a change in the service condition then the principles of natural justice need to be followed. Further, it is submitted that the transfer order is illegal and he made the representation to the Respondent management which was not considered and his ID card was also seized by the management. The Petitioner submits that he reported at the other end on 30.5.2011 in compliance of transfer order and applied for leave vide his leave application dated 30.5.2011. But Commanding Officer of the Command Gas Agency-II, 104 Area, Visakhapatnam vide his letter dated 1.6.2011 arrayed allegations of forgery of signature of the Officer-in-Charge by the applicant and also directed him to appear before doctor for medical examination with whom CO has been running hand in glove to gather air and dust against the applicant. Petitioner submits that he was also threatened of discontinuation of service and action of Respondent is absolutely void ab initio illegal, unfair, unreasonable, violative of the principles of natural justice, apart from being illogical. Petitioner submits that the management vide their notice dated 9.6.2011 has given 3 months' notice for termination of his service and same was served on applicant on 18.6.2011. The Petitioner submits that there was no enquiry held and no written termination order specifically terminating service of the Petitioner has ever been issued by the Respondent. Petitioner submits that the action of the management is obviously arbitrary, unlawful, wrongful, illegal, illogical, capricious, vindictive, an unfair labour practice, an act contrary to fair play in action, against to the principles of natural justice, void ab initio illegal and is therefore liable to be set aside. Lastly, it is submitted that the Management be directed to reinstate the Petitioner with all consequential benefits including the back wages in full and continuity of service etc..

7. Petitioner in support of his submission has filed the photocopies of various documents. Among the other documents the Document No.13 is the three months notice of termination dated 9.6.2011 issued by Commanding Officer whereby the services of the Petitioner has been terminated. The contents of said notice of termination are being reproduced as hereunder:-

> *"1. Refer to this office letters of even number dated 11 May 11 and 25 May 11 and your letters No. nil dated 16 May 11, 26 May 11 and 30 May 11.*
>
> *2. Consequent to issuance of transfer orders vide this office letter dated 11 May 11, you were directed to take over the duties of Accountant, Command Gas Agency, Nausena Baugh by 17 May 11. Despite reminders vide this office letter dated 25 May 11, you have failed to report to Command Gas Agency, Nausena Baugh as directed. In response to the letters ibid, you have sought policy guidelines and instructions on the matter of transfer of personnel of NPF. In addition, vide letter dated 30 May 11, you have intimated that you are unwell and sought leave from 31 May 11 to 14 Jun 11 in order to "...recovery, to proceed judicially in the matter of my transfer order." Despite repeated reminders, you have not only failed to report for duty but also failed to submit any documentary evidence relating to Status your health or report to the prescribed medical practitioner as intimated vide this office letter dated 25 May 11.*
>
> *3. It has been clarified by the Hon'ble Supreme Court of India that employees of a Non Public Fund are by no stretch of imagination employees of the Government or can be equated to them. The undersigned is of the considered opinion that in view of the unbecoming conduct displayed by you as also your failure to comply with instructions regarding your transfer, your further retention and Continuance of services with Command Gas Agency, Nausena Baugh are undesirable.*
>
> *4. You are hereby given three months (03) notice of termination of your services from the date of issue of this letter. You are also directed to report to Officer-in-Charge Command Gas Agency, Nausena Baugh forthwith for further instructions."*

Thus, from the perusal of the said termination letter it delineates that the services of the Petitioner has been terminated by the Respondent management by issuing three months notice of termination from service on the ground that the Workman has shown unbecoming conduct as regard to his duties and also failed to comply with instructions issued by Respondent regarding to his transfer order and therefore his retention and continuation of service with CGA, Nausena Baugh was undesirable. Thus, it is clear that the Respondent has terminated the services of the Petitioner Workman by issuing the three months notice dated 9.6.2011 of termination from service of Petitioner on the grounds mentioned therein.

**The Rules governing the terms and conditions of Civilian Employees through Non-Public Fund provides as hereunder:-**

"*2. The absence of proper terms and conditions has been one of the main factors for the civilian personnel employed through the non-public funds resorting to the following:-*

*a) seeking permanent employment through legal system.*

*b) incidence of indiscipline and misconduct.*

*c) committing fraud and illegal gratification out of the non-public funds.*

*d) Improper absence*

*e) over or under payment to similarly qualified employees"*

> *"2. Applicability, these guidelines are applicable to all civilian employees paid out of non-public funds as on date of promulgation or employed thereafter but shall not be applicable to any person employed on daily wages or purely on casual basis. The employees who do not accept these terms and conditions, their resignations or voluntary discharge from the non-public employment as per provisions of Para 15 of these guidelines could be enforced. An undertaking regarding applicability of employment terms and conditions is to be obtained from each employee and retained in the individuals record of service."*
>
> *"11.* ***Terms and conditions of employees:-*** *All civilian employees employed through the non public funds shall be governed by the terms and conditions of non public funds as contained herein, subject to alterations ."*
>
> *"15.* ***Termination of service:-*** *The services of an employee with less than 5 years service may be terminated at anytime by giving one month notice on either side. In case of employees who have completed 5 years service, the period of notice shall be 3 months on either side. The employees will not be allowed to avail himself/herself of leave during the period of notice. If allowed, the notice shall run concurrently with the leave. If the said notice falls short of the time stipulated above, the employer shall be liable to pay the salary for the period by which the said notice falls short. The amount shall be computed according to the salary last drawn by the employee and may be adjusted against any sum due to the employee from the employer."*
>
> *"27.* ***Conduct of employee:-*** *Every employee shall normally work under the direction and supervision of employer or any person authorised by him on his behalf and shall perform such duties connected with employment, as may be assigned to him by the said officer or person. Employees shall not indulge either directly or indirectly in any trade, commerce or business activity or any other employment."*

8. Undisputedly, the Petitioner Workman was appointed as Assistant Manager cum Accountant at Command Gas Agency-II, 104 area, Visakhapatnam in the Respondent establishment which is a department of non-public fund and the Workman is getting salary under the non-public fund. Therefore, as per provision contained under Section 2 of the Terms and Conditions of Civilian Employees Through Non-Public Fund, 2002, the afore mentioned rules are applicable to the Petitioner Workman and his service condition is governed by the terms and conditions mentioned under said rules.

9. As per provision contained under Section 11 of the civilian employees employed through non-public fund are governed by the terms and conditions of non-public fund as contained under the rule subject to alterations by Naval Headquarters without notice. Further, section 15 of the said Terms and Conditions of Civilian Employees Through Non-Public Fund provides that services of an employee may be terminated at any time by giving one month notice on either side in case the services of the employee is less than 5 years and in case of employees who has completed 5 years service, the period of notice shall be 3 months on either side. Undisputedly, Petitioner has completed more than five years of services, thus, as per provision contained under section 15 the Respondent management has issued three months notice of termination of the Petitioner from service assigning the reasons therein. Therefore, in view of the provision contained u/s. 15 the termination order of Petitioner has been issued by Respondent and there is no illegality and infirmity in the said order.

10. The contention of the Petitioner that his post was not transferable, is not acceptable and untenable as the petitioner failed to show that his termination order has been issued in contravention of provision contained under Rules governing terms and conditions of Civilian Employees Through Non-Public Fund. The document No.8 on record is the transfer order of the Petitioner issued by Commodore, Commanding Officer dated 11.5.2011, whereby Petitioner was directed to proceed on transfer to Command Gas Agency-I, at Nausena Bagh, Malkapuram, Visakhapatnam and further directed to take over the duties of Accountant by 17.5.2011 from Sri P. Uma Venkata Chalam, Accountant CGA-I, Nausena Bagh Malkapuram Visakhapatnam by 19.5.2011. But Petitioner did not comply with the said order issued by Respondent. The document No.10 on record is the reminder dated 25.5.2011 of transfer order Petitioner was directed to report to Command Gas Agency-I, Nausena Baugh, Malkapuram, Visakhapatnam vide transfer order dated 11.5.2011, but Petitioner did not comply the order issued by Respondent despite having received the aforesaid order. Further, Petitioner was also directed to report by 30.5.2011 at Command Gas Agency-I, Nausena Baugh, Malkapuram, Visakhapatnam. Through said reminder Petitioner was communicated

that his name has been struck off from the strength of Command Gas Agency No.II with effect from 27.5.2011 and he was considered to be relieved from duties accordingly and he was also directed to return his security pass authorising him to enter SVN Colony by 27.5.2011. But Petitioner failed to comply with said order of Respondent and that conduct of Petitioner amounts to indiscipline and misconduct that give sufficient reason to the Respondent Management for issue of three months notice of termination of Petitioner from service as per rules contained u/s.15 of the said Rules. However, rest of the documents filed by the Petitioner have no relevance with the question of illegality of the notice of termination of the Petitioner as alleged by the Petitioner.

11. On the other hand, the Respondent has contended that the Petitioner Workman was appointed as Assistant Manager cum Accountant, CGA-II, 104 area, Visakhapatnam with effect from 31.1.1998 and was carrying on his duties till 28.5.2011 after which the Petitioner was internally transferred to Command Gas Agency No.I, 104 area, Visakhapatnam. Both command gas agencies are looking after the needs of naval personnel of same command. Further, it is contended that appointment letter which was served upon the applicant for the Command Gas Agency-II, 104 area, Visakhapatnam never quoted that the applicant would not be transferred to any of the branches of the agency. Since applicant was transferred from Command Gas Agency-II, to Command Gas Agency-I, of Nausena Baugh Malkapuram as per the extant guidelines his security pass SVN colony was taken back subsequently the applicant reported to Command Gas Agency, Nausena Bagh at 12:00 hours on 30.5.2011 and left requesting for leave and proceeded on leave without concurrence of management of Command Gas Agency-I, Nausena Bagh. It is further submitted that the identity card submitted by the applicant to the Administrative Officer, SVN colony, 104 area revealed the validity period of the identity card till 30.6.2011 as having been signed by AO. Respondent contended that no such extension of ID card of Petitioner was granted after expiry and signature of AO was found to be forged. Further, Respondent submitted that gas agency is located in the defence area where security is paramount important Commission of offence or forgery of the identity card was considered to be of serious concern. Further, it is contended that INS sircar has called upon the applicant to explain in writing as to why his services should not be discontinued. Further Respondent submitted that FIR was registered against Petitioner in police station in respect of forgery committed by Petitioner and the police is investigating the case as it is serious case of security breach of defence of establishment. Respondent submitted that Petitioner proceeded on leave immediately without reporting to Nausena Bagh and without concurrence of authorities and in his leave application mentioned that he was unwell and required leave from 31.5.2011 to 14.6.2011. However, the Workman was directed to report to the Sri SVM Reddy, MD: Sri Lakshmi clinic, Malkapuram, opposite Hanuman Mandir, Visakhapatnam for medical examination, but the Petitioner workman failed to appear before concerned board for medical fitness. Further, it is contended that despite repeated notice Petitioner failed to report for duty or to submit any medical documents or failed to report to any prescribed medical practitioner in accordance with the extant instructions/guidelines with respect to his appointment, the Commanding Officer vide letter 100/1, dated 9.6.2011 issued 3 months notice of termination of his services. The aforesaid contentions of the Respondent has not been contraverted by the Petitioner workman by filing any rejoinder or documentary evidence. Therefore, the plea of the Petitioner that the action of the management in terminating his services vide letter dated 9.6.2011 is illegal, not tenable. The Petitioner has not controverted or contradicted the allegation made by Respondent in termination letter dated 9.6.2011 and in counter in respect of disobedience and misconduct and insubordination committed by him. Therefore, the plea of the Petitioner that his post is not transferable or termination order is illegal, is not acceptable.

13. Thus, in view of the fore gone discussion and in view of the Terms and Conditions of Civilian Employees Through Non Public Funds 2002 issued by the Flag Officer, Commanding In Chief, Eastern Naval Command, Visakhapatnam, the action of the Respondent management in terminating the services of Sri Ch. Appa Rao, is legal and justified.

This issue is decided against the Workman and in favour of the Respondent.

14. **Issue No.II**:- In view of the fore gone discussion and finding arrived at Issue No.I, the Petitioner is not entitled for any relief and his claim petition is liable to be dismissed.

This issued is decided against the Petitioner.

**AWARD**

The action of Respondent Management of Command Gas Agency-II, SVN Colony,104 Area, Sri Vijaya Nagar Colony, Visakhapatnam in terminating the services of Petitioner Sri Chadaram Appa Rao, Ex. Assistant Manager cum Accountant from services is held legal and justified. The Petitioner is not entitled to any relief as prayed for. Claim petition is dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 9th day of June, 2025.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| WW1: Sri Chadaram Appa Rao | NIL |

**Documents marked for the Petitioner**

| | |
|---|---|
| **Ex.W1:** | **Photostat copy of appointment order dt. 31.1.98** |
| **Ex.W2:** | **Photostat copy of ID raised by Petitioner for non-implementation of labour laws in Indian Navy.** |
| **Ex.W3:** | **Photostat copy of reply from President's office 20.6.2008** |
| Ex.W4: | Photostat copy of reply from P.M's Office dt.29.1.2009 |
| **Ex.W5:** | **Photostat copy of representation of Petitioner along with other fellow employees dt.9.2.2011 to PM, President-offices** |
| **Ex.W6:** | **Photostat copy of show cause notice by A.O. dt.11.5.2011** |
| **Ex.W7:** | **Photostat copy of reply to Ex.W6 dt/23.5.2011** |
| Ex.W8: | Photostat copy of transfer order by C.O. dt.11.5.2011 |
| **Ex.W9:** | **Photostat copy of reply of Petitioner to Ex.W8 dt.16.5.2011** |
| **Ex.W10:** | **Photostat copy of further transfer order dt.25.5.2011 by C.O..** |
| **Ex.W11:** | **Photostat copy of joining report at other end dt.30.5.2011 by workman** |
| Ex.W12: | Photostat copy of reply of C.O. for leave dt.1.6.2011 |
| **Ex.W13:** | **Photostat copy of termination notice of C.O. dt.9.6.2011** |
| Ex.W14: | Photostat copy of complaint to Police dt.4.6.2011 & 7.6.2011 |
| Ex.W15: | Photostat copy of request of workman for extension of leave dt,14.6.2011 |
| Ex.W16: | Photostat copy of RTI application by workman dt.26.5.2011 |
| Ex.W17: | Photostat copy of reply to Ex.W16 dt.17.6.2011 |
| Ex.W18: | Photostat copy of legal notice of workman dt.15.6.2011 to Respondent |
| Ex.W19: | Photostat copy of further legal notice dt.25.1.2012 |
| Ex.W20: | Photostat copy of workman's petition to ALC(C) |
| Ex.W21: | Photostat copy of reply of Management to ALC(C) |
| Ex.W22: | Photostat copy of conciliation proceedings dt.22.1.2013 |

**Documents marked for the Respondent**

NIL

नई दिल्ली, 30 जून, 2025

**का.आ. 1221.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इंडियन ऑयल कॉर्पोरेशन** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री मंजीत सिंह** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़, पंचाट (रिफरेन्स न.-6/2017)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. एल-30011/13/2017-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1221.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award **(Reference No. 6/2017)** of the **Central Government Industrial Tribunal cum Labour Court-2, Chandigarh** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation** and **Shri Manjit Singh** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. L-30011/13/2017-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH**

**(Presided over by Mr. Kamal Kant).**

ID No.06/2017

Registered on:-18.07.2017

Manjit Singh S/o Sh. Jai Singh, R/o VPO Dolike Sunderpur, via Beas Pind, Jalandhar, Punjab-144302.

-------- Workman

Versus

1. Indian Oil Corporation (Marketing Division), through its Chairman at 3079/3, Sadiq Nagar, JB Tito Marg, New Delhi-110049.
2. Indian Oil Corporation (Marketing Division), Northern region through its General Manager (HR), at Indian Oil Bhavan No.1, Sri Aurobindo Marg, Yusaf Sarai, New Delhi-110016.
3. Indian Oil Corporation (Marketing Division), Northern Region through its Executive Director, at Indial Oil Bhavan No.1, Aurobindo Marg, Yusaf Sarai, New Delhi-110016.

----Managements/Respondents

Present:- Mr. S C Gupta, AR along with Workman

Mr. Paul S Saini, AR for respondent no.1 to 3.

**Award : 24.04.2025**

Central Government vide Notification No.L-30011/13/2017-IR(M) dated 06.07.2017, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

> ***"Whether the action of the management of Indian Oil Corporation through its Chairman in terminating the services of workman Shri Manjeet Singh, R/o Village and Post Office Dolike Sunderpur Via Beas Pind, Jalandhar, Punjab through Authorized Representative Shri Yog Raj, Joint Secretary, All India Petroleum Worker's Federation C/o Indian Oil Corporation Ltd., Chandigarh w.e.f. 15.10.2012 is justified or not? If not, to what relief workman is entitled to and from which date?"***

1. The matter is fixed for arguments. However, the case it taken up today as workman has filed an application of withdrawal of present reference stating therein that the case may be disposed of as withdrawn in terms of settlement dated 09.04.2025 (Mark A). Workman along with AR also made a statement that in view of settlement dated 09.04.2025 with the management (Mark A), he withdraw the present reference as settled. The reference may be disposed of accordingly. AR for respondent no.1 to 3 also made a statement that he has no objection in withdrawing the present reference by the workman. The statement is recorded separately.

2. In view of the application of workman and statement of workman along with AR as well as statement of AR for management, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1222.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स भिलाई जेपी सीमेंट लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **सीमेंट माइंस वर्कर्स यूनियन (इंटक); जी लोकेश्वर राव; श्रीनाथ सिंह; शिवानंद तिवारी** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम**

**न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-01/2016)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.06.2025 को प्राप्त हुआ था।

[सं. एल-29011/17/2015-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 30th June, 2025

**S.O. 1222.—** In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 01/2016)** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Bhilai Jaypee Cement Ltd** and **Cement Mines Workers Union (INTUC); G Lokeshwar Rao; Srinath Singh; Shivanand Tiwari** which was received along with soft copy of the award by the Central Government on 30.06.2025.

[No. L-29011/17/2015-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR**

**NO. CGIT/LC/R/01/2016**

**Present: P.K.Srivastava**

**H.J.S.( Retd.)**

1. **The General Secretary,**
   **Cement Mines Workers Union (INTUC),**
   **Qtr. No. 6/A, Street No. 37/B, Sector -7,**
   **Bhilai, Distt. – Durg (CG)**
2. **G. Lokeshwar Rao,**
   **Bhagat Singh Ward No. 19,**
   **Infront of Piku Clinic, PO- Dongargarh,**
   **Distt. – Rajnandgaon (Chhatisgarh)**
3. **Srinath Singh,**
   **Kaushal Kirans Stores, New Balaji Nagar,**
   **Ward-32, Zone-2, Sector-11,**
   **Khurispar, Bhilai, Distt. – Durg (CG)**
4. **Shivanand Tiwari,**
   **719, Vill. – Lalgaon, Tah – Sirmaur,**
   **Distt. – Rewa (M.P.)**

**Workman**

**Versus**

**The Director,**
**M/s Bhilai Jaypee Cement Ltd.,**
**BSP Premises, Slag Yard Road**
**(Opp. Sector- 4, NMOH)**
**Bhilai, Durg (C.G.)**

**Management**

**AWARD**

**(Passed on this 16th day of May- 2025.)**

As per letter dated 24/11/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-29011/17/2015-IR(M) dt. 24/11/2015. The dispute under reference related to :-

***"Whether the action of management M/s. Bhilai Jaypee Cement were non regularization of services of Shri G. Lokeshwar Rao, Shri Shrinath Singh and Shri Shivanand Tiwari (Drivers) treating them as Contract Labour is justified ? If so, what relief the workmen are entitled to ?"***

Notices were sent to the parties after registering a case on the basis of reference. They appeared and filed their respective statements of claims and defense.

**The case of the workman union**, as taken by them in their statement of claim, is mainly that these three workers are members of the union, they applied for the post of drivers in response to a vacancy notification with respect to drivers released by the management i.e. M/s. Jaypee Associates and were first appointed as drivers after clearing the recruitment process successfully. The workmen Shrinath Singh and G. Lokeshwar Rao were appointed on 01.09.2009 and workman Shivanand Tiwari was appointed on 03.06.2007, all appointed in the Sidhi Unit of Jaypee Cement. Shrinath Singh and Shivanand Tiwari were shifted in the Bhilai Jaypee Cement under order of the management on 22.01.2010 and G. Lokeshwar Rao was shifted to Bhilai Jaypee Cement on 06.09.2012. The whole recruitment process was conducted by M/s. Jaypee Associates, the vacancy was released and published on behalf of M/s. Jaypee Associates. This is also alleged that M/s. Jaypee Associates is the Umbrella Company which owns and manages various units in the name of Jaypee Cement situate at different places in District Rewa, Sidhi and Bhilai.

It is further the case of the workman union that these workmen were paid by M/s. Bhilai Jaypee Cement, where they joined after transfer, by way of cash for six months and thereafter in their Bank Accounts in Axis Bank on monthly basis.

According to the workman union these workmen had worked with M/s. Jaypee Cement and had matured their right to be a permanent employee and regularization but the management refused to grant them permanent status and to regularize them on the pretext that they were employees of contractor which is totally incorrect and mala fide., management illegally and arbitrarily transferred their services to so called contractors which is sham and bogus and is just to deprive the workmen from their lawful claims. It has been prayed that holding the action of management unjust and illegal, these workmen be held entitled to permanent status and regularized as employee of M/s. Jaypee Cement with back wages and benefits.

**Case of management of M/s. Bhilai Jaypee Cement** is that Jaypee Rewa Cement is separate registered company and has no nexus or control over the management of Bhilai Jaypee Cement, which is itself a separate registered company. The management also denied that these workmen were sent on transfer to the management of M/s. Bhilai Jaypee Cement. According to management, these workmen are workers of contractor M/s. Chirayu Hanuman Enterprises since 2012, who has been given contract by the management of M/s. Bhilai Jaypee Cement under Contract Labour (Regulation and Abolition) Act, 1970 under a valid and legal contract in this respect. According to the management, since there is no relation of employer and employee between workmen and them. They are not entitled to any relief claimed. The management has requested that the reference be answered against the workman union.

**In evidence**, the workman union has filed affidavits of workman Shivanand Tiwari, Shrinath Singh and G. Lokeshwar Rao as their examination in chief, they have proved their Identity Cards, Letter of management of Bhilai Jaypee Cement to Axis Bank, Order of management of Bhilai Jaypee Cement dated 11.06.2007, ESIC Card (Exhibit W/1 to W/8).

Management has filed affidavit of its witness Anil Kumar Sharma, he has proved three documents, which are Registration of Contractor M/s. Chirayu Hanuman, Work Order issued by M/s. Bhilai Jaypee Cement to the contractor M/s. Chirayu Hanuman, which are Exb. M/1 to M/3. He has been cross examined by workman union.

I have heard argument of Advocate Shri K.B. Singh for workman union and learned Counsel Shri R.B. Tiwari for management. I have gone through the record as well.

***On perusal of record in the light of rival arguments, the reference itself is the issue for determination***.

The pleadings of the parties have already been elaborated earlier. The Workman Srinath Singh has stated in his affidavit as his examination-in-chief that he is the President of the Union and also a Workman. He applied for post of Driver with the Jaiprakash Associates limited in response to a vacancy notification. He was appointed as a Driver on 03.06.2007 after an interview and was posted in Jaypee Cement Company at Rewa. Thereafter, he was transferred from Rewa to Bhilai Jaypee Cement Limited in 2007. He was paid his wages in Bhilai by the Management of M/s Bhilai Jaypee Cement Limited in cash for six months from the cash counter and thereafter through his Bank Account with Axis Bank. He has been working as a driver with the Bhilai Jaypee Cement who has many jeeps, trucks, buses, loaders, JCBs etc. When he raised a claim for according him permanent status as an employee and regularization of

his services, and raised a dispute along with his two co-workers through Union. The Management took a case that they were in fact Contract Employees of the Contractor M/s Chirayu Hanuman Enterprises since 2012, which is incorrect and malafide. He has further stated that, Jaypee Rewa Plant, Bhilai Jaypee Cement are all part of a big group which is Jaypee Group, their employees are transferred from one unit to other unit. The control system of all the Units is one and single. In his cross-examination he has stated that, after working with Rewa Plant for Six months he was transferred to Bhilai Plant. His transfer order has been signed by V.N. Jha which he has filed and proved as Exhibit W-4, he also stated in his cross-examination that, he was always paid wages by Bhilai Jaypee Cement in Bhilai Plant. He also stated that, copy of Muster Roll said to be prepared by M/s Chirayu Hanuman Contractor is a fabricated document, he has proved his identity card issued by Management of Bhilai Jaypee Cement. He has also denied that he was paid his wages by the contractor at any point of time.

The other co-workers Srinath Singh and G. Lokeshwar Rao have also stated almost the same and have proved their Identity Cards as well Pass-books. According to the co-workman Srinath Singh, he was appointed in 2009 and was transferred to Bhilai Jaypee Cement on 22.01.010, the Workman G. Lokeshwar Rao has stated that he was appointed on 01.09.2009 in Rewa and was transferred to Bhilai Jaypee Cement on 06.02.2012.

These workmen filed and proved their identity cards which show that they were issued by the Management of Bhilai Jaypee Cement. Workman Shivanand Tiwari has filed and proved a letter written by Bhilai Jaypee Cement to the Branch Manager of Axis Bank for opening a salary account. He has further filed and proved letter dated 11.06.2007, issued and signed by V.N. Jha, who is the Officer of M/s Jaypee Sement at Rewa Plant. According to his letter, which is sent to Sandeep Yadav at Bhilai Jaypee cement Unit, stating that the Workman Shivanand Tiwari is posted to Bhilai Jaypee Cement Limited, on 12.06.2007 and will report there for duty. The photocopy of ESIC Card of the Workman Shivanand Tiwari Exhibit W-5 states that names of M/s Bhilai Jaypee Cement Limited has been mentioned in the column of employer and their address has been mentioned in this ESIC Card in the column ofaddress of employer. Similarly, apart from the identity cards, two identity cards Exhibit W-6 and W-7 filed and proved by Workman Shri Srinath Singh which show that, they were issued by the Deputy General Manager, of Bhilai Plant corroborates the case of the workman that he was paid his wages by M/s Bhilai Jaypee Limited. Same is in the case that of G. Lokeshwar Rao.

On the other hand, Management Witness Anil Kumar Sharma has filed his affidavit as his examination in chief in which he has stated that these Workman are employees of M/s Chirayu Hanuman Enterprises who is the contractor in the Unit, he has filed and proved the licenses of the Contractor issued in 2012-16 and also the agreement with respect to work were issued by M/s Bhilai Jaypee Cement Limited to the contractor M/s Chirayu Hanuman Enterprises. In his cross-examination, this witness has stated that these Workman were never appointed by M/s Bhilai Jaypee Plant, his this statement is contradicted to documentary evidence in form of Identity Cards, ESIC cards, Transfer Order of Workman Shivanand Tiwari, and statement of Bank Account of Workman Shrinath Singh. This Management witness further states that Jaiprakash Associates and Bhilai Jaypee are two separate companies but there is nothing on record to corroborate with this fact regarding mentioning of M/s Bhilai Jaypee Cement his ex-employee in the ESIC cards, this witness has stated that, it was mentioned as M/s Bhilai Cement Plant principal employer. But the ESIC Cards revealed that the fact of being principal employer is nowhere mentioned in these cards/ certificates. also is not worth reliance.

The burden to proof that these Workman are employees of the Contractor is on Management who has pleaded this fact. It has filed Photocopy of muster roll and some payment sheets which is not been admitted by the Workman Union, hence the burden to proof these documents at large on Management by way of filing the originals and proof. The Management has failed in doing do. Hence, in the light of evidence, as discussed above, the case of the Workman Union appears to be more reliable and is held proved.

Accordingly, the case of the Workman Union is that these three employees Shivanand Tiwari, Srinath Singh, and G. Lokeshwar Rao, were appointed by Jaypee Associates in response to their applications filed by them with respect to the vacancy notification issued by Management of Jaypee Associates, and were transferred to M/s Bhilai Jaypee Plant is employees of the group and after their transfer to M/s Bhilai Jaypee Plant, they became employees of M/s Bhilai Jaypee Plant is held proved.

In the light of the fact that, these workmen have been in the service of the management since so long, the action of management in not granting them permanent status and in not regularizing their services is unfair labour practice which is not permissible rather prohibited in the Act.

Reference of the Judgment of Hon'ble Supreme Court in the case of *Jaggo V.s. Union of India & Others, Arising out of SLP (C) No.5580 of 2024.*

8. On behalf of the appellants, the following arguments have been advanced before us: (i). Continuous and Substantive Engagement: The appellants emphasize their long, uninterrupted service spanning well over a decade—and in some instances, exceeding two decades. They argue that their duties were neither sporadic nor project-based but permanent and integral to the daily functioning of the respondent's offices.

(ii). Nature of Duties: Their responsibilities — such as cleaning, dusting, gardening, and other maintenance tasks—were not casual or peripheral. Instead, they were central to ensuring a clean, orderly, and functional work environment, effectively aligning with roles typically associated with regular posts.

(iii). Absence of Performance Issues : Throughout their tenure, the appellants were never issued any warning or adverse remarks. They highlight that their work was consistently satisfactory, and there was no indication from the respondents that their performance was not satisfactory or required improvement.

(iv). Compliance with 'Uma Devi' Guidelines : The appellants assert that their appointments were not "illegal" but at most "irregular." Drawing on the principles laid down in Secretary, State of Karnataka vs. Uma Devi, they submit that long-serving employees in irregular appointments—who fulfil essential, sanctioned functions—are entitled to consideration for regularization.

(v). Discrimination in Regularization: The appellants point out that individuals with fewer years of service or similar engagements have been regularized. They contend that denying them the same benefit, despite their longer service and crucial role, constitutes arbitrary and discriminatory treatment.

(vi). Irrelevance of Educational Qualifications: The appellants reject the respondents' reliance on formal educational requirements, noting that such criteria were never enforced earlier and that the nature of their work does not inherently demand formal schooling. They argue that retrospectively imposing such qualifications is unjustified given their proven capability over many years.

(vii).Equity and Fairness: Ultimately, the appellants submit that the High Court erred by focusing too rigidly on their initial terms of engagement and ignoring the substantive reality of their long, integral service. They maintain that fairness, equity, and established judicial principles call for their regularization rather than abrupt termination.

9. On the other hand, the following primary arguments have been advanced before us on behalf of the Respondents:

(i). Nature of Engagement: The respondents maintain that the appellants were engaged purely on a part-time, contractual basis, limited to a few hours a day, and that their work was never intended to be permanent or full-time.

(ii). Absence of Sanctioned Posts: They assert that the appellants were not appointed against any sanctioned posts. According to the respondents, without sanctioned vacancies, there can be no question of regularization or absorption into the permanent workforce.

(iii). Non-Compliance with 'Uma Devi' Criteria: Relying heavily on Secretary, State of Karnataka vs. Uma Devi (supra), the respondents argue that the appellants do not meet the conditions necessary for regularization. They emphasize that merely serving a long period on a part-time or ad-hoc basis does not create a right to be regularized.

(iv). Educational Qualifications: The respondents contend that even if the appellants were to be considered for regular appointments, they do not possess the minimum educational qualifications mandated for regular recruitment. This, in their view, disqualifies the appellants from being absorbed into regular service.

(v). Outsourcing as a Legitimate Policy Decision: The respondents point out that they have chosen to outsource the relevant housekeeping and maintenance work to a private agency. This, they argue, is a legitimate administrative policy decision aimed at improving efficiency and cannot be interfered with by the courts.

(vi). No Fundamental Right to Regularization: Finally, the respondents underscore that no employee, merely by virtue of long-standing temporary or part time engagement, acquires a vested right to be regularized. They maintain that the appellants' claims are devoid of any legal entitlement and that the High Court was correct in dismissing their petition.

10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.

11. The appellants, throughout their tenure, were engaged in performing essential duties that were indispensable to the day-to-day functioning of the offices of the Central Water Commission (CWC). Applicant Nos. 1, 2, and 3, as Safaiwalis, were responsible for maintaining hygiene, cleanliness, and a conducive working environment within the office premises. Their duties involved sweeping, dusting, and cleaning of floors, workstations, and common areas—a set of responsibilities that directly contributed to the basic operational functionality of the CWC. Applicant No. 5, in the role of a Khallasi (with additional functions akin to those of a Mali), was entrusted with critical maintenance tasks, including gardening, upkeep of outdoor premises, and ensuring orderly surroundings.

12. Despite being labelled as "part-time workers," the appellants performed these essential tasks on a daily

and continuous basis over extensive periods, ranging from over a decade to nearly two decades. Their engagement was not sporadic or temporary in nature; instead, it was recurrent, regular, and akin to the responsibilities typically associated with sanctioned posts. Moreover, the respondents did not engage any other personnel for these tasks during the appellants' tenure, underscoring the indispensable nature of their work.

13. The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional.

14. The abrupt termination of the appellants' services, following dismissal of their Original Application before the Tribunal, was arbitrary and devoid of any justification. The termination letters, issued without prior notice or explanation, violated fundamental principles of natural justice. It is a settled principle of law that even contractual employees are entitled to a fair SLP(C) NO.5580 of 2024 ETC. Page 15 of 29 hearing before any adverse action is taken against them, particularly when their service records are unblemished. In this case, the appellants were given no opportunity to be heard, nor were they provided any reasons for their dismissal, which followed nearly two decades of dedicated service.

15. Furthermore, the respondents' conduct in issuing tenders for outsourcing the same tasks during the pendency of judicial proceedings, despite a stay order from the Tribunal directing maintenance of status quo, reveals lack of bona fide intentions. Such actions not only contravened judicial directives but also underscored the respondents' unwillingness to acknowledge the appellants' rightful claims to regularization.

16. The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their competence or performance. On SLP(C) NO.5580 of 2024 ETC. Page 16 of 29 the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents' belated plea of alleged unsatisfactory service appears to be an afterthought and lacks credibility.

17. As for the argument relating to educational qualifications, we find it untenable in the present context. The nature of duties the appellants performed—cleaning, sweeping, dusting, and gardening—does not inherently mandate formal educational prerequisites. It would be unjust to rely on educational criteria that were never central to their engagement or the performance of their duties for decades. Moreover, the respondents themselves have, by their conduct, shown that such criteria were not strictly enforced in other cases of regularization. The appellants' long-standing satisfactory performance itself attests to their capability to discharge these functions, making rigid insistence on formal educational requirements an unreasonable hurdle.

20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The saidjudgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors., it was held that held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case…"

21. The High Court placed undue emphasis on the initial label of the appellants' engagements and the

outsourcing decision taken after their dismissal. Courts must look beyond the surface labels and consider the realities of employment: continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.

22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards.Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23. The International Labour Organization (ILO), of which India is a founding member, has consistently advocated for employment stability and the fair treatment of workers. The ILO's Multinational Enterprises Declaration encourages companies to provide stable employment and to observe obligations concerning employment stability and social International Labour Organization- Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. security. It emphasizes that enterprises should assume a leading role in promoting employment security, particularly in contexts where job discontinuation could exacerbate long-term unemployment.

24. The landmark judgment of the United State in the case of Vizcaino v. Microsoft Corporation serves as a pertinent example from the private sector, illustrating the consequences of misclassifying employees to circumvent providing benefits. In this case, Microsoft classified certain workers as independent contractors, thereby denying them employee benefits. The U.S. Court of Appeals for the Ninth Circuit determined that these workers were, in fact, common-law employees and were entitled to the same benefits as regular employees. The Court noted that large Corporations have increasingly adopted the practice of hiring temporary employees or independent contractors as a means of avoiding payment of employee benefits, thereby increasing their profits. This judgment underscores the principle that the nature of the work performed, rather than the label assigned to the worker, should determine employment status and the corresponding rights and benefits. It highlights the judiciary's role in rectifying such misclassifications and ensuring that workers receive fair treatment.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long term obligations owed to employees. These practices manifest in several ways:

• Misuse of "Temporary" Labels : Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

• Arbitrary Termination: Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

• Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

• Using Outsourcing as a Shield: Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.• Denial of Basic Rights and Benefits : Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's

explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.

*Consequently, these workman are held entitled to get permanent status, and be considered in regularization is per standing orders they are further held entitled to all consequential in service and post retrial benefits and also the litigation cost computed at Rs 50,000/- from the management within 30 days from the date of publication of this award in official Gazette failing which interest @ 6% p.a. from the date of award till payment.*

DATE: 16/05/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1223.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण–सह – श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 75/2014-15)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/06/2025** को प्राप्त हुआ था।

[सं. एल-22012/102/2014-आईआर(सी.एम-II)]

मणिकंदन.एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1223.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 75/2014-15)** of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-22012/102/2014– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/75/2014-15 Date: 10.06.2025.

**Party No.1**: 1. The General Manager,
Wani North Area, WCL,
Post Bhalar, Tehsil: Wani,
Distt. Yavatmal (M.S.) – 445304.

2. The Sub Area Manager, WCL,
Ukni Open Cast Mines,
PO: Ukni, Tehsil: Wani,
Distt. Yavatmal (M.S.) – 445304.

**V/s.**

**Party No.2**: 1. Shri Mukhtar Yadao, EP Filler,

Ukni Open Cast Mines, Qr. No. MQ – 629,

PO: Bhalar, Tehsil: Wani,

Distt. Yavatmal – 445304.

2. The Secretary,

All India SC/ST/BC Class Employees Coordination

Council, Ramnagar Colony, Ghugus,

Chandrapur (M.S.) – 442505.

**AWARD**

(Dated: 10th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Wani North Area, western Coalfields Limited, and their workman Shri Mukhtar Yadao through union/All India SC/ST/BC Class Employees Coordination, for adjudication, as per letter **No. L-22012/102/2014 (IR(CM-II) dated 19.02.2015,** with the following schedule:-

**"Whether the demand raised by the applicant for correction in date of birth on the basis of School Leaving Certificate or sending his case to Medical Board for determination of his age and demands supported by Union is just, fair & legal? If yes, to what relief the concerned workman is entitled to?"**

2. Case is called out. Learned Council Shri. A.D. Gabhane, holding brief of Shri. P.V. Ghare has put in appearance on behalf of respondent and filed his Vakalatnama today in Court, which is taken on record. But no one is present on behalf of petitioner. Excluding today, both parties are absent since 02.08.2019.

From perusal of record, it is apparent that petitioner as well as respondent have filed their statement of claim and written statement respectively. Petitioner has filed his affidavit as an evidence. But petitioner is not coming to the Court to prove the contents of the affidavit as well as the contents of the statement of claim. No other evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court since long back. It appears that, he is not interested to contest the case further more.

Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The demand raised by the applicant for correction in date of birth on the basis of School Leaving Certificate or sending his case to Medical Board for determination of his age and demands supported by Union is unjust, unfair & illegal. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1224.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्टा कोल माइन लिमिटेड क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 02/2015)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आईआर(सी.एम-II)]

मणिकंदन.एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1224.—** In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 02/2015)** of t**he Central Government Industrial Tribunal-cum-**

**Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. Emta Coal Mine Ltd,** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/Appl/02/2015 Date: 03.04.2025.

**Party No.1**:

1. Karnataka Power Corporation Ltd.,
   Shakti Bhawan 82, Race Course Road,
   Banglore – 560001
   Through its Managing Director
2. Karnataka EMTA Coal Mine Ltd.,
   Plot No. 84, Kiloni, Post Jena,
   Tah. Bhadrawati, Distt. Chandrapur.

**V/s.**

**Party No.2**:

1. Rashtriya Koyla Kamgar Sangharsh Sangh,
   Through its President
   Plot No. 49, C-2, Nandodaya Appartment,
   Hill Road, Gokulpeth Nagar,
2. Shri Ramdas S/o Banduji Matte,
   R/o Baranj Mokosa, Post Jena,
   Tahasil Bhadrawati, Distt. Chandrapur
   & 416 others, as per list

**AWARD**

(Dated: 03rd April, 2025)

In exercise of the powers conferred by Section (2) & (3) of Section 2-A of Industrial Disputes (Amendment) Act, 2010 ("the Act" in short), the applicant filed an industrial dispute between the employers, in relation to the management of Karnataka EMTA Coal Mine Ltd. and the applicants, for adjudication, vide case no. CGIT/NGP/Appln/02/2015**,** with the following issues framed:-

1) **Whether the demand of the union to declare the management of Karnataka EMTA Coal Mine Ltd., engaged in Unfair Labour practices, for dismissing their 417 workmen is just, legal and justified? If not, to what relief the 417 applicants are entitled to?**

2) **Whether there is any relationship of employer and employee between the parties?**

2. Case is called out. Learned Counsel for the respondent no. 1 Shri R.E. Moharir is present before the Court but none is present on behalf of petitioner. Counsel for the petitioner Shri R.N. Sen has filed pursi s, wherein, it has mentioned that party no. 2 has not contacted to his Counsel since long time. He withdrawn his power from present proceedings.

From perusal of order sheet, it is apparent that both the parties are not responding and attending the Court since 24.04.2020. Accidently, today as well as on the last date 12.11.2024, Learned Counsel for the management Shri R.E. Moharir is present before the Court. Although statement of claim and written statement have been filed by the parties respectively but no documentary as well as oral evidence has been filed by the petitioner to establish the contents of the statement of claim. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered:

**ORDER**

**The demand of the union to declare the management of Karnataka EMTA Coal Mine Ltd., engaged in Unfair Labour practices, for dismissing their 417 workmen is unjust, illegal and unjustified. The applicants are not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1225.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण–सह –श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 06/2020-21)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आईआर(सी.एम-II)]

मणिकंदन.एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1225.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 06/2020-21***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/Appl/06/2020-21 Date: 07.04.2025.

**Party No.1**: 1) Rashtriya Koyla Kamgar Sangharsh Sangh,
Through its President
Plot No. 49, C-2, Nandodaya Appartment,
Hill Road, Gokulpeth Nagar,
2) Shri Ramdas S/o Banduji Matte,
R/o Baranj Mokosa, Post Jena,
Tahasil Bhadrawati, Distt. Chandrapur
& 416 others, as per list

**V/s.**

**Party No.2**:

Nilesh Shivram Singh Thakur,
Aged 33 years, Occ.: Nil,
R/o, Gittikhadan, Panchasheel Nagpur,
Plot No. 111-A, Katol Road, Nagpur-13

**AWARD**

(Dated: 07th April, 2025)

In exercise of the powers conferred by Section (2) & (3) of Section 2-A of Industrial Disputes (Amendment) Act, 2010 ("the Act" in short), the applicant filed an industrial dispute between the employers, in relation to the management of Sub-Area Manager Saoner, Sub-Area WCL and the applicant Shri Bhola Matru Harde, for adjudication, vide case no. CGIT/NGP/Appln/06/2020-21**,** with the following issues framed:-

**"Whether the action of the Management/Sub Area Manager Saoner, Sub-Area WCL in superannuating their workman Shri Bhola Matru Harde instead of 30.09.2016 to 01.07.2016 is legal, fair & justified? If not, to what relief the workman is entitled?"**

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 23.03.2022. Although, petitioner has filed his statement of claim but no written statement has been filed on behalf of respondent till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that petitioner is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered:

**ORDER**

**The action of the Management/Sub Area Manager Saoner, Sub-Area WCL in superannuating their workman Shri Bhola Matru Harde instead of 30.09.2016 to 01.07.2016 is legal, fair & justified. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1226.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण –सह–श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 10/2016-17)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/05/2025** को प्राप्त हुआ था।

[सं. एल-22012/29/2016- आईआर(सी.एम-II)]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1226.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 10/2016-17***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025.**

[No. L-22012/29/2016– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**

**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/10/2016-17 Date: 23.04.2025.

**Party No.1**: The General Manager (OP),
Ghugus Complex, Western Coalfields Limited,
Post Ghugus,
Distt. Chandrapur
CHANDRAPUR(MS)-442505.

**V/s.**

**Party No.2**: The Secretary,
Sanyukta Khadan Mazdoor Sangh,
Vijay Bhawan, Vithal Mandir Ward,
Chandrapur
CHANDRAPUR(m.s)-442401.

**AWARD**

(Dated: 23rd April, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Ghugus Complex, Western Coalfields Limited, and their applicant Shri. Ganesh Jairam Kamble, for adjudication, as per letter **No. L-22012/29/2016-IR(CM-II) dated 03.06.2016,** with the following schedule:-

**"Whether the demands raised by Shri Ganesh Jairam Kamble, Applicant for reinstatement in service with full back wages from 01.07.2013 and 2) pay the compensation for wrongly pre-retirement 3) Retirement arrised for correction in date of birth on the basis of Kotwali Register or sending his case to Medical Board for determination of his age and demand supported by the Secretary, Sanyukta Khadan Mazdoor Sangh (AITUC), Chandrapur is just, fair and legal? If yes, what relief the concerned workman is entitled?"**

2. Case is called out. Learned Counsel for the respondent Shri. Aditya Gabhane holding brief of Shri P.V. Ghare is accidently present today before the Court. None is present on behalf of petitioner.

From perusal of order sheet, it is apparent that both the parties are not responding and attending the Court since 19.04.2017. Although, statement of claim and written statement have been filed by the parties respectively. But petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since 19.04.2017. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The demands raised by Shri Ganesh Jairam Kamble, Applicant for reinstatement in service with full back wages from 01.07.2013 and 2) pay the compensation for wrongly pre-retirement 3) Retirement arrised for correction in date of birth on the basis of Kotwali Register or sending his case to Medical Board for determination of his age and demand supported by the Secretary, Sanyukta Khadan Mazdoor Sangh (AITUC), Chandrapur is unjust, unfair and illegal. The workman is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1227.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्लू सी एल** क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 24/2021-22)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/06/2025** को प्राप्त हुआ था।

[सं. एल.-22012/14/2022-आई.आर.सी.एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1227.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No 24/2021-22***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. WCL** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-22012/14/2022– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**
**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/24/2021-22 Date: 12.06.2025.

**Party No.1**: 1. The General Manager,
Wani Area of WCL,
Po. Urjagram Tadali,
Distt. Chandrapur (M.S.)- 442406

2. The Sub Area Manager,
Neeljay Sub- Area of WCL,
Po. Bellora,
Distt. Yavatmal (M.S.) 445319.

**V/s.**

**Party No.2**: The Area President,
Koyla Shramik Sabha (HMS),
Qrt. No. 1, Ghugus, Distt,
Chandrapur (M.S.) – 442505.

**AWARD**
(Dated: 12th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Wani Area of WCL, and their workman Shri Satyanarayan Choudhary, for adjudication, as per letter **No. L-22012/14/2022 (IR(CM-II) dated 18.02.2022,** with the following schedule:-

**"Whether the demand raised by Koyla Shramik Sabha (HMS) against the management of Western Coalfields Ltd. for protection of pay of Shri Satyanarayan Choudhary on his selection from Tub Loader to Dumper Operator (conversion from piece rated to time rated administrative ground) is legal and justified? If yes, what relief the concerned workman is entitled to?"**

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 02.02.2023. No statement of claim and written statement have been filed by the parties respectively till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The demand raised by Koyla Shramik Sabha (HMS) against the management of Western Coalfields Ltd. for protection of pay of Shri Satyanarayan Choudhary on his selection from Tub Loader to Dumper Operator (conversion from piece rated to time rated administrative ground) is illegal and unjustified. The workman is not entitled to any relief.**

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 जून, 2025

**का.आ. 1228.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया क प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर** के पंचाट **(संदर्भ संख्या 28/2018-19)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **28/06/2025** को प्राप्त हुआ था।

[सं. एल-11012/10/2018-**आई.आर.सी**.एम-I]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 30th June, 2025

**S.O. 1228.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 28/2018-19***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. Air India,** and **their workmen** received by the Central Government on **28/06/2025**

[No. L-11012/10/2018– IR (CM-I)]
MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**
**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/28/2018-19 Date: 12.06.2025.

**Party No.1**: 1. The Station Manager,
AIR India, Civil Lines, Nr. Hislop Collage,
Nagpur – 440001.

2. The General Manager (Per.)
Old Airport, Kalina, Santacruz (East),
Mumbai – 440029

**V/s.**

**Party No.2**: Sh, Kundan Baburao Somkuwar,
R/o Baba Budh Nagar,
Nagpur – 440017.

**AWARD**
(Dated: 12th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of AIR India, through its Station Manager & General Manager (Pers.) Mumbai, and their workman Shri Kundan Baburao Somkuwar, for adjudication, as per letter **No. L-11012/10/2018 (IR(CM-I) dated 31.05.2018,** with the following schedule:-

**"1. Whether the action of the Management of Air India, Nagpur through its Station Manager in terminating the service of Shri Kundan Baburao Somkuwar, a Casual Worker w.e.f. 20.03.2016 is proper, legal and justified?"**

**2. If not, what relief the concerned workman is entitled to and from which date? And also, what other directions are necessary in this regard?"**

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 19.07.2023.

From perusal of record, it is apparent that statement of claim and written statement have been filed by the parties respectively. But petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since 25.04.2023. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The action of the Management of Air India, Nagpur through its Station Manager in terminating the service of Shri Kundan Baburao Somkuwar, a Casual Worker w.e.f. 20.03.2016 is proper, legal and justified. The workman is not entitled to any relief.**

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 1 जुलाई, 2025

**का.आ. 1229.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार विदर्भ क्षेत्रीय ग्रामीण बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **नागपुर** के पंचाट (01/2012-13) प्रकाशित करती है।

[सं. एल-12012/02/2012-आई आर (बी-I)]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 1st July, 2025

**S.O. 1229.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.01/2012-13*)* of the and ***Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur*** as shown in the Annexure, in the industrial dispute between the management of Vidarbha Kshetriya Gramin Bank and their workmen.

[No. L-12012/02/2012- IR(B-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**
**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/01/2012-13 Date: 12.06.2025.

**Party No.1**:

1. The Chairman
   Vidarbha Kshetriya Gramin Bank,
   Madhumalti Building, Gupte Marg,
   Jatharpeth , Akola (M.S.)
   Akola (MS) – 444005.

2. The Regional Manager,
   Vidarbha Kshetriya Gramin Bank,
   Shivaji Nagar,
   Yavatmal (M.S.)

**V/s.**

**Party No.2**: Shri Hanumant Bhaurao Mirzapure,
R/o Watkhed, Tah. Babulgaon,
Distt. Yavatmal (M.S.)

**AWARD**
(Dated: 12th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Vidarbha Kshetriya Gramin Bank, and their workman Shri Hanumant Bhaurao Mirzapure,, for adjudication, as per letter **No. L-12012/02/2012 (IR(B-I) dated 23.03.2012,** with the following schedule:-

**"Whether the demand of Shri Hanumant Bhaurao Mirzapure, who is working as daily wage worker and Babulgaon Branch of Vidarbha Kshetriya Gramin Bank, for regularization of his services by the management of Vidarbha Kshetriya Gramin Bank, is legal and justified? To what relief the workman is entitled?"**

2. Case is called out. Learned Counsel for the respondent/management Shri. N.W. Almelkar is present before the Court but none is present on behalf of the petitioner. Petitioner is not responding and attending the Court since 31.03.2020. Although, statement of claim and written statement have been filed by the parties respectively. No any other evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed

Hence, it is ordered.

**ORDER**

**The demand of Shri Hanumant Bhaurao Mirzapure, who is working as daily wage worker and Babulgaon Branch of Vidarbha Kshetriya Gramin Bank, for regularization of his services by the management of Vidarbha Kshetriya Gramin Bank, is illegal and unjustified. The workman is not entitled to any relief.**

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 1 जुलाई, 2025

**का.आ. 1230.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **भारतीय स्टेट बैंक** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **नागपुर** के पंचाट (05/2020-21) प्रकाशित करती है।

[सं. एल-12011/16/2020- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 1st July, 2025

**S.O. 1230.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.05/2020-21*)* of the and *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/16/2020- IR(B-I)]

SALONI, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,**
**CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/05/2020-21 Date: 13.06.2025.

**Party No.1**:

1. The Chairman,
   State Bank of India, State Bank Bhawan,
   Madam Cama Road,
   Mumbai – 400021.

2. The Dy. General Manager,
   State Bank of India, Zonal Office, Zone-I,
   S.V. Patel Marg, Kingsway,
   Nagpur – 440001.

**V/s.**

**Party No.2**:

The Dy. General Secretary,
State Bank Karmachari Sena,
C/o State Bank of India, Main Branch,
S.V. Patel Marg,
Nagpur – 440001

**AWARD**

(Dated: 13th June, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India, State Bhawan, and their union, State Bank Karmachari Sena, Nagpur, for adjudication, as per letter **No. L-12011/16/2020 (IR(B-I) dated 26.06.2020,** with the following schedule:-

**"Whether the demand of Union, State Bank Karmachari Sena, Nagpur against the management of State Bank of India, Mumbai through its Chairman and State Bank of India, Zone-I, Zonal Office, Nagpur through its Dy. General Manager for withdrawing the outsourced medical benefit scheme related to retired employees is legal and justified? And also, whether the action of the management bank in not passing the medical bill of Shri Santosh Morayya without assigning any reasons as long as one year is legal and justified? If not, to what relief the concerned Union is entitled to?"**

2. Case is called out. Learned Counsel for the respondent Shri. Dadu Sachdev is present before the Court. But none is present on behalf of petitioner. Petitioner is not responding and attending the Court since 13.02.2024.

From perusal of record, it is apparent that statement of claim and written statement have been filed by the parties respectively. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The demand of Union, State Bank Karmachari Sena, Nagpur against the management of State Bank of India, Mumbai through its Chairman and State Bank of India, Zone-I, Zonal Office, Nagpur through its Dy. General Manager for withdrawing the outsourced medical benefit scheme related to retired employees is illegal and unjustified. The action of the management bank in not passing the medical bill of Shri Santosh Morayya without assigning any reasons as long as one year is legal and justified. The concerned Union is not entitled to any relief.**

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 1 जुलाई, 2025

**का.आ. 1231.—**औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार **आईसीआईसीआई बैंक लि., (पूर्व राजस्थान बैंक लि.)** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय **कोटा** के पंचाट (08/2007(सीआईएस–52/2014)(सीएनआर–आरजेकेटी060001792007) प्रकाशित करती है।

[सं. एल-12012/153/2006- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 1st July, 2025

**S.O. 1231.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.08/2007 ( CIS-52/2014) ( CNR-RJKT060001792007)*)* of the and *Indus.Tribunal-cum-Labour Court Kota* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/153/2006- IR(B-I)]

SALONI, Dy. Director

**अनुलग्नक**

# न्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी– संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांकःऔ.न्या.(केन्द्रीय)–08/2007(सीआईएस–52/2014)

(सीएनआर–आरजेकेटी060001792007)

दिनांक स्थापितः 08.08.2007

प्रसंगः भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्र.

एल–12012/153/2006(आईआर(बी–I))दि. 09.02.2007

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)

औद्योगिक विवाद अधिनियम,1947

मध्य

कौशल किशोर कश्यप, द्वारा जनरल सेकेट्री, बैंक ऑफ राज. एम्पलोईज यूनियन, बैंक ऑफ राजस्थान, सब्जीमण्डी शाखा, कोटा

––प्रार्थी श्रमिक

एवं

डिप्टी जनरल मैनेजर, आईसीआईसीआई बैंक लि., (पूर्व राजस्थान बैंक लि.) रीजनल ऑफिस, एण्रोड्रम सर्किल, कोटा

––अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधिः– श्री दिनेश राय द्विवेदी

अप्रार्थी नियोजक की ओर से प्रतिनिधिः– श्री सुरेश माथुर

**::अधिनिर्णय::** **दिनांकः06.02.2025**

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक **आदेश दिनांक 09.02.2007** के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे ''अधिनियम'' से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ निम्नानुसार प्राप्त हुआ।

> "Whether the workman Shri Kaushal Kishore Kashyap was in continuous service fr more than 240 days of the Bank between 06.07.2003 to 24.12.2004? If yes, whether the action of termination the service of the workman by the Dy. General Manager the Bank of Rajasthan Ltd. Regional Office, Kota w.e.f. 25.12.2004 is legal and justified?If not, to what relief the employee is entitled to and from which date?"

2– उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेन्ट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि उसको अप्रार्थी ने दि. 06.07.2003 से झालावाड़ ब्रांच में चपरासी के पद पर दैनिक वेतन पर सेवा में नियोजित

किया। नियोजक ने श्रमिक को अचानक, बिना कोई कारण बताए, बिना किसी पूर्व सूचना के दि. 25.12.2004 को मौखिक आदेश के आधार पर ड्यूटी पर लेने से मना कर दिया। इस प्रकार से नियोजक ने श्रमिक को नौकरी से हटा दिया। श्रमिक ने नियोजक के यहां पर दि. 06.07. 2003 से दि. 24.12.2004 तक निरंतर 240 दिन से काफी अधिक समय तक कार्य किया है। नियोजक ने श्रमिक को कानूनी तौर पर कार्य दिवस पूरे नहीं होने देने के लिए वेतन का भुगतान किसी अन्य परमानेंट स्टाफ के नाम से बीच–बीच में अवधि में भुगतान किया है। नियोजक का यह कृत्य अन्फेयर लेबर प्रेक्टिस की परिभाषा में आता है। श्रमिक से काम लेकर किसी अन्य के नाम से भुगतान किया जाना अवैध है, जबकि काम श्रमिक ने ही किया है। इस संबंध में श्रमिक के हस्त लेख से पियोन बुक में इन्द्राज व लोकर डिस्पेच आदि के प्रमाण है, इसके अतिरिक्त चैक बुक सेविंग बैंक की उसमें कस्टमर के केश क्रेडिट एकाउंट, चैक बुक इश्यु रजिस्टर, प्रबंधक के मौखिक आदेश से दुकानदार से स्टेशनरी खरीदने व उसके बिल्स पर हस्ताक्षर आदि काम किए है, जबकि उसके इस अवधि का दूसरे के नाम से चढ़ाया गया है। अप्रार्थी ने प्रार्थी को नौकरी से हटाते समय नोटिस, नोटिस वेतन व छंटनी मुआवजा नहीं देकर अधिनियम की धारा 25 एफ, प्रार्थी से कनिष्ठ श्रमिकों को नियोजन में रखकर प्रार्थी को हटाकर अधिनियम की धारा 25 जी एवं प्रार्थी को हटा कर उसके स्थान पर नए श्रमिक को नियोजित कर अधिनियम की धारा 25 एच के प्रावधानों की अवहेलना की है एवं नियोजक का यह कृत्य अनफेयर लेबर प्रेक्टिस की परिभाषा में आता है और प्रार्थना की है कि प्रार्थी को पिछले सम्पूर्ण वेतन सहित सेवा में बहाली का अनुतोष प्रदान किया जावे।

3– अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है प्रार्थी व उनके मध्य नियोजक–कर्मकार के संबंध नहीं रहे है। बैंक का स्थाई कर्मचारी रमेशचंद कश्यप इस विवाद से संबंधित व्यक्ति कौशल किशोर कश्यप का पिता है और उनके द्वारा आपस में मिलीभगत की जाकर किसी प्रकार की रिकॉर्ड में पूर्व नियोजित तरीके से प्रविष्ठियां की गई है। बैंक में किसी भी कर्मचारी को यदि नियुक्ति दी जाती है तो उसे नियुक्ति पत्र जारी किया जाता है और उस व्यक्ति के वेतन का भुगतान सम्बन्धित कर्मचारी को उसके स्वयं के नाम से किया जाता हैं। यहां यह उल्लेखनीय है कि बैंक ने आवश्यक रूप से एवं आकस्मिक रूप से यदि किसी कार्य की आवश्यकता होने पर अपने चतुर्थ श्रेणी कर्मचारी को निर्देशित कर अस्थाई रूप से कार्य की व्यवस्था की हो और उस अस्थाई व्यवस्था के रूप में यदि कभी बैंक के पिओन द्वारा अपने लड़के को बुला लिया गया हो, तो इस तथ्य की विपक्षी बैंक को जानकारी भी नहीं है। बैंक को रमेशचंद कश्यप द्वारा इस प्रकार की कोई सूचना भी नहीं दी गई, कि वह आकस्मिक कार्य किस व्यक्ति से करवा रहा है। बैंक में प्रचलित प्रथा के

अनुसार पिता–पुत्र अथवा कोई भी आपसी निकट सम्बन्धी एक ही समय में एक ही शाखा में कार्य नहीं कर सकते। यदि रमेशचंद कश्यप ने इस प्रकार की कार्यवाही की है, तो बैंक प्रबन्धक उसके खिलाफ अनुशासनात्मक कार्यवाही करने और उसके अनुसार अपना निर्णय लेने का अपना अधिकार सुरक्षित रखते है। दूसरे शब्दों में यह रमेशचंद कश्यप द्वारा बदनियती से और पिछले दरवाजें से अपने लड़के को बैंक रिकार्ड में हेराफैरी करके, तथ्यों को छिपाकर, येन–केन–प्रकारेण बैंक सेवा में नियोजित करने की बदनियती पूर्ण कोशिश है, जो किसी भी स्थिति में स्वीकार नहीं की जा सकती। यहां यह भी उल्लेख करना आवश्यक है कि आकस्मिक रूप से कार्य की आवश्यकता नहीं रहने पर बैंक के कार्यालय समय की समाप्ति के साथ ही जिस व्यक्ति से आकस्मिक रूप से कार्य लिया गया था उसके कार्य की समाप्ति के साथ ही नियोजन भी समाप्त हो जाता था। प्रार्थी कौशल किशोर कभी भी अप्रार्थी का नियुक्त श्रमिक नहीं रहा है इस कारण से श्रमिक का 240 दिन से अधिक दिवस काम करने का प्रश्न ही पैदा नहीं होता है। यहां यह भी उल्लेखनीय है कि संस्थान के स्थाई कर्मचारियों का एक रजिस्टर रखा जाता है, जिसमें स्थाई कर्मचारियों के दस्तखत होते है, जिसमें भी प्रार्थी का कभी नाम नहीं रहा है। प्रार्थी ने ऐसे रजिस्टर पर कभी हस्ताक्षर नहीं किए है। प्रार्थी को जो भी भुगतान किया जाता था, वह सण्ड्री चार्जेज रजिस्टर में ''रिपेयर्स मेंटीनेंस व सर्विस चार्जेस'' के अन्तर्गत भुगतान किया जाता था। प्रार्थी को कभी भी वेतन खाते भुगतान नहीं किया गया। इसलिए प्रार्थी का क्लेम प्रार्थना पत्र खारिज किए जाने योग्य है।

4– साक्ष्य में प्रार्थी की ओर से स्वयं व अप्रार्थी की ओर से कल्पेश मनु भाई शाह के शपथ–पत्र प्रस्तुत हुए जिनसे परस्पर जिरह की गयी। प्रार्थी की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गयी जिसका यथासमय उल्लेख किया जावेगा।

5– उभयपक्षों की बहस सुनी गई, जो कि उनकी ओर से प्रस्तुत अपने–अपने अभ्यावेदनों के अनुरूप ही रही है। प्रार्थी की ओर से अपनी बहस में मुख्य रूप से यह तर्क रहा है कि प्रार्थी ने, अप्रार्थी के नियोजन में दि. 06.07.2003 से 24.12.2004 तक निरंतर 240 दिन कार्य किया है तथा प्रार्थी को हटाते समय अधिनियम के आज्ञापक प्रावधानों की पालना नहीं की है। प्रार्थी का कार्य करने का समस्त रिकॉर्ड अप्रार्थी के कब्जे में जो उसने न्यायालय में पेश किया है एवं प्रार्थी ने अपने कार्य करने के दस्तावेजों के बारे में स्टेटमेंट ऑफ क्लेम एवं शपथ पत्र में लिखा है किन्तु अप्रार्थी द्वारा उक्त दस्तावेज न्यायालय में पेश नहीं किए गए है इसलिए न्यायालय द्वारा Adverse inference ली जानी चाहिए तथा प्रार्थी ने अपने कथनों के समर्थन में निम्न न्यायिक दृष्टांत प्रस्तुत किए है–

1. Gauri Shankaer Vs. State of Raj.- 2015(1) WLC (SC) CIVIL 781,
2. R.M. Yellatti Vs. The Asst. Executive Engineer- 2006(1) SCC 106,
3. Ram Prasad Mali Vs. Regional Officer-2017 (2) WLC (RAJ.) UC 637
4. Shripal and Another vs. Nagar Nigam, Ghaziabad-2025 INSC 144 (SC),

इसके विपरीत अप्रार्थी पक्ष का यह तर्क रहा है कि प्रार्थी कभी भी उनके यहां नियोजित नहीं रहा, ना ही प्रार्थी व उनके मध्य कर्मकार नियोजक के संबंध स्थापित रहे है। प्रार्थी का पिता अप्रार्थी बैंक की जिस शाखा में प्रार्थी ने काम करना बताया है उसी में पिओन के पद पर नियुक्त था एवं बैंक के नियमों के अनुसार पिता–पुत्र एक ही बैंक में नियुक्त नहीं हो सकते है। अप्रार्थी की ओर से अपने कथनों के समर्थन में निम्न न्यायिक दृष्टांत प्रस्तुत किए गए है–

1- 2004(103) FLR 187 Municipal Corpn Faridabad Vs. Siri Niwas,
2- 2004(103) FLR 192 Rajasthan Ganganagars Mills Ltd. Vs. State of Raj. & Anr.,
3- 2003(96) FLR 492 U P Avasevam Vikas Parishad Vs. kanak and Anr.,
4- 2006 (110) FLR 1212 Krishna Bhagya Jala Nigam Ltd. Vs. Mohammed Rafi,
5- 2006 LAB I.C. 883 Regional Manager S.B.I. Vs. Rakesh Kumar Tewari,
6- FLR 1997 (76) 237 Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar and Anr.,
7- RLR 1996(2) Shashi Kant Vs. State of Raj. & Ors.,
8- 2003(98) FLR 385 Regional Manager Bank of Baroda Vs. PO Central Government Industrial Tribunal and Anr.,
9- 2006(110) FLR 767 HUDA Vs. Jagmal Singh,
10- 2008(117) FLR 312 Sanjay Kumar Tiwary and Anr. Vs. State of Bihar and Anr. ,
11- 2002(95) FLR 1137 President Peroorkada Service Co Operative Bank Ltd. Vs. Smt. S. Sheena and Anr.,
12- 1999-II-LLJ Calcutta Tramways Co. (1978) Ltd. Vs. Ramesh and Ors.

6– हस्तगत प्रकरण में न्यायालय को मुख्यतः यह देखना है कि क्या प्रार्थी श्रमिक ने उसके द्वारा वर्णित सेवा समाप्ति दिनांक 25.12.2004 से ठीक पूर्व के एक कलेण्डर वर्ष में अप्रार्थी के यहां निरंतर 240 दिन कार्य किया है या नही?

इस संबंध में प्रार्थी की ओर से साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत हुआ है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है एवं जिरह में यह कथन किया है कि यह बात सही है कि रमेशचंद कश्यप उसके पिता है और उसी ब्रांच में काम करते है जिसका यह केस चल रहा है। यह बात सही है कि बैंक की ओर से उसे नियुक्ति पत्र अथवा सेवा मुक्ति पत्र नहीं दिया गया है। **यह बात सही है कि बैंक का कोई कागज न्यायालय की पत्रावली पर पेश नहीं किया हैं जिससे यह सिद्ध हो सके कि उसने बैंक में काम**

**किया है। यह बात सही है कि प्रदर्श डब्ल्यू 4 लगायत 15 उसका हस्तलिखित है। यह बात सही है कि उपरोक्त प्रदर्शों पर बैंक के किसी भी अधिकारी के हस्ताक्षर नहीं है।** यह बात सही है कि उसने दि. 06.07.2003 से 24.12.2004 तक बैंक में काम करने का कोई दस्तावेज न्यायालय की पत्रावली पर पेश नहीं किया है, उसे मौखिक रूप से रखा था। **ऐसा कोई कागज पेश नहीं किया है जिससे यह पता चले कि काम उसने किया है और भुगतान किसी और को किया गया हो यह सब बैंक के रिकॉर्ड में रखा है।** यह बात सही है कि जितने दिन काम करते है उसी के अनुसार भुगतान होता हैं यह बात सही है कि बैंक के स्थाई कर्मचारियों का हाजरी रजिस्टर बना हुआ था। उस रजिस्टर में उसका नाम नहीं था। यह बात सही है कि वह अखबार के थ्रू अथवा नियोजन कार्यालय के मार्फत नहीं गया। उसे श्री महेश जी गुप्ता ने वर्ष 2003 में इसके बाद श्री गोयल साहब ने उसके बाद घनश्याम जी गुप्ता ने काम पर लगाया था और श्री घनश्याम जी गुप्ता ने काम से मना कर दिया था। शपथ पत्र के चरण क्रम 4 में जिन दस्तावेजात का वर्णन किया है वह उसके कब्जे में नहीं रहते थे। उपरोक्त कार्यों के लिए उसे मौखिक रूप से कहा गया था, लिखित रूप से नहीं कहा था। यह बात सही है कि 25.12.2003 से लेकर 24.12 तक जितने दिन काम किया, उसका बैंक का कोई रिकॉर्ड उसके पास नहीं है। यह बात सही है कि दैनिक वेतन भोगी श्रमिकों को नियुक्ति पत्र नहीं दिया जाता हैं यह बात सही है कि स्थाई कर्मचारियों का साक्षात्कार लिया जाता है और उन्हें नियुक्ति पत्र भी दिया जाता है। यह बात सही है कि उसके पहले और उसके बाद जो भी कर्मचारी रखे गए वह सब दैनिक वेतन पर रखे गए है और उपरी तौर पर रखे गए है, जिन्नमें से दो कर्मचारी स्थाई हो गए है। वह दसवी कक्षा तक पढ़ा है। नियोजक कार्यालय में उसका नाम है और एक्सपायर हो गया है। वह अपने पिताजी से अलग रहता है वह दिनांक 26.11.2003 से अलग रह रहा है। उसे जब से नौकरी से हटाया उसके बाद से उसने दूसरी जगह पर नौकरी के लिए एपलाई नहीं किया है। वह दूसरी जगह पर काम नहीं कर रहा है। वह खुला काम करता है। यह बात सही है कि बैंक के नौकरी पर रखने की प्रक्रिया बनी हुई है। उसे जानकारी नहीं है कि शाखा प्रबंधक को स्थाई अथवा दैनिक वेतन भोगी श्रमिक काम पर रखने के अधिकार नहीं है।

अप्रार्थी की ओर से साक्ष्य में कल्पेश मनु भाई शाह का शपथ पत्र प्रस्तुत किया गया है जिसमें उसने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की ओर जिरह में यह कथन किया है कि उसने पूर्व में कोई शपथ पेश किया हो तो उसके ध्यान में नहीं है, पत्रावली देखकर कहा की पूर्व में कोई शपथ पत्र पेश नहीं किया है। पिता–पुत्र एक ही शाखा में एक साथ पद स्थापित नहीं रह सकते ऐसा नियम बैंक में लिखित में है, ऐसा नियम कहां है में नहीं बता सकता। पत्रावली पर उसने ऐसा कोई नियम पेश नहीं किया है। लॉकर ऑपरेट करवाना एवं चैक बुक जारी करना बैंक मैनेजर या सक्षम अधिकारी का दायित्व है ऐसा हमारे यहां प्रचलन है। इस तरह का कोई नियम उसने पत्रावली में पेश नही किया है। यह कहना सही है कि जब बैंक में किसी कारण से चतुर्थ श्रेणी कर्मचारी की कमी होने पर आकस्मिक स्टाफ रखा जाता था व इस आकस्मिक स्टाफ को वाउचर से पेमेंट की जाती थी। इन कर्मचारीयों को कोई नियुक्ति पत्र नहीं देते थे व दिया भी नहीं जा सकता था। वह नहीं बता सकता कि प्रार्थी कौशल किशोर ने उनके यहां कभी भी कार्य

किया हो। वह नहीं बता सकता की प्रदर्श डब्ल्यू–1 एवं डब्ल्यू–3 उनके बैंक की ओर से सहायक श्रम आयुक्त केन्द्रीय कोटा के यहां पेश किया गया हो। यह सही है कि अरविंद सक्सेना बैंक ऑफ राजस्थान के महासचिव थे। वह उनके हस्ताक्षर नहीं पहचानता। प्रदर्श डब्ल्यू–8 में जिन बिलों के भुगतान का उल्लेख है उस बारे में वह कुछ नहीं बता सकता क्योंकि उसे इसकी जानकारी नहीं है। यह कार्य उसका नही था। वह प्रार्थी कौशल किशोर को नहीं जानता। वह रमेश चंद को जानता हूं वह उनके यहां केश पियोन था। यह कहना सही है कि प्रार्थी कौशल किशोर कश्यप को आकस्मिक कर्मचारी के रूप में रखा और वाउचर से भुगतान किया हो तो वह नहीं बता सकता क्योंकि यह उसका नहीं उस समय के मैनेजर का कार्य था।

7– साक्ष्य के उपरोक्त विवेचन से यह प्रकट हो रहा है कि प्रार्थी श्रमिक द्वारा अप्रार्थी के नियोजन में दि. 06.07.2003 से 24.12.2004 तक 240 दिन से अधिक कार्य करने का कथन किया गया है तथा अप्रार्थी ने प्रार्थी को हटाते समय अधिनियम के आज्ञापक प्रावधानों की पालना नहीं की है। अप्रार्थी पक्ष का यह कथन रहा है कि प्रार्थी श्रमिक व उनके मध्य कर्मकार–नियोजक के संबंध स्थापित नहीं रहे है ना ही उन्होने प्रार्थी श्रमिक का कभी नियोजित किया है, इसलिए प्रार्थी पक्ष का क्लेम निरस्त किए जाने योग्य है। प्रार्थी पक्ष की ओर से पत्रावली पर जो दस्तावेज साक्ष्य प्रस्तुत की गई है उनमें प्रदर्श डब्ल्यू 1 प्रार्थी का समझौता अधिकारी के समक्ष प्रस्तुत प्रार्थना पत्र, प्रदर्श डब्ल्यू 2 अप्रार्थी का जवाब प्रार्थना पत्र, प्रदर्श डब्ल्यू 3 प्रार्थी पक्ष का प्रत्युत्तर की प्रतियां प्रस्तुत की गई है, इसके अतिरिक्त प्रार्थी की ओर से प्रदर्श 4 लगायत 15 स्वयं का कार्य में कार्य करने का विवरण प्रस्तुत किया गया है किन्तु इसके संबंध में प्रार्थी ने स्वयं अपनी जिरह में यह स्वीकारोक्ति की है कि ''**यह बात सही है कि प्रदर्श डब्ल्यू 4 लगायत 15 उसका हस्तलिखित है। यह बात सही है कि उपरोक्त प्रदर्शों पर बैंक के किसी भी अधिकारी के हस्ताक्षर नहीं है।**'' एवं प्रार्थी ने जिरह में यह स्वीकार किया है कि ''**यह बात सही है कि बैंक का कोई कागज न्यायालय की पत्रावली पर पेश नहीं किया हैं जिससे यह सिद्ध हो सके कि उसने बैंक में काम किया है।**'' उक्त स्वीकारोक्ति के परिप्रेक्ष्य में प्रदर्श डब्ल्यू 4 लगायत 14 दस्तावेज साक्ष्य में ग्राह्य नहीं है। प्रार्थी को वांछित अनुतोष प्राप्त करने के लिए यह प्रमाणित करना आवश्यक है कि वह उसके एवं अप्रार्थी पक्ष के मध्य कर्मकार–नियोजक के संबंध स्थापित रहे हो एवं प्रार्थी ने सेवा समाप्ति दिनांक से पूर्व के एक कलेण्डर वर्ष में निंरतर 240 अप्रार्थी के नियोजन में कार्य किया हो। किन्तु इस संबंध में प्रार्थी ने पत्रावली पर कोई साक्ष्य पेश नहीं की है।

प्रकरण में प्रार्थी प्रतिनिधि का यह भी तर्क रहा है कि प्रार्थी के कार्य करने का समस्त रिकॉर्ड अप्रार्थी के कब्जे में है जो उसने न्यायालय में पेश किया है इसलिए न्यायालय द्वारा प्रार्थी के अप्रार्थी के यहां दि. 06.07.2003 से 24.12.2004 तक कार्य करने के संबंध में न्यायालय द्वारा Adverse inference ली जा सकती है। किन्तु प्रार्थी द्वारा अपने उक्त कथनों के समर्थन में पत्रावली पर अप्रार्थी से उसके अप्रार्थी के यहां कार्य करने के संबंध में कोई प्रार्थना पत्र पत्रावली पर पेश नहीं किया गया है, ना ही प्रकरण में न्यायालय द्वारा अप्रार्थी से प्रार्थी के कार्य करने के

संबधं में कोई आदेश पारित किया गया है इसलिए न्यायालय द्वारा प्रकरण में कोई Adverse inference नहीं ली जा सकती है एवं प्रार्थी द्वारा प्रस्तुत R.M. Yellatti के न्यायिक दृष्टांत में माननीय उच्चतम न्यायालय द्वारा प्रतिपादित सिद्धांत के अनुसार भी अप्रार्थी के नियोजन में 240 दिन कार्य सिद्ध करने का भार स्वयं प्रार्थी पर ही है। इसके अतिरिक्त प्रार्थी श्रमिक की ओर से किसी प्रकार की कोई प्रलेखीय साक्ष्य हाजिरी रजिस्टर या अन्य सेवा संबंधी कोई दस्तावेज इत्यादि भी प्रस्तुत नहीं किये गये है जिससे उसके कथनों की पुष्टि होती हो। प्रार्थी श्रमिक पर 240 दिन लगातार काम करने के तथ्य को साबित करने का जो भार है, उसमें प्रार्थी पक्ष द्वारा केवल मात्र अपने शपथ–पत्र में यह लिख देना कि प्रार्थी श्रमिक ने 240 दिन तक लगातार काम किया, पर्याप्त नहीं होगा, अपितु उन्हें किसी ठोस मौखिक एवं प्रलेखीय/दस्तावेजी साक्ष्य से इस तथ्य को साबित करना होगा जिससे कि यह तथ्य सम्पुष्ट हो सके, परन्तु हस्तगत प्रकरण में पत्रावली पर उपलब्ध साक्ष्य से प्रार्थी श्रमिक यह तथ्य साबित करने में पूर्णतया असफल रहा हैं कि उसके द्वारा बताई गई सेवा समाप्ति की दिनांक से ठीक पूर्व के एक कलेण्डर वर्ष की अवधि में उसने अप्रार्थी के नियोजन में निरन्तर 240 या उससे अधिक कार्य किया है। माननीय सर्वोच्च न्यायालय द्वारा निम्नलिखित न्यायिक दृष्टांतों में इस संबंध में समय–समय पर यही सिद्धांत प्रतिपादित किया है–

**Ranip Nagar Palika Vs. Babuji Gabhaji Thakore-IX(2007) SLT 805 SC** में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि LABOUR LAW- 240 days completion of service- Burden of proof lies on workman to show he worked continuously for 240 days for preceding one year - It is for workman to adduce evidence apart from examining himself to prove factum of being in employment of employer.

**State of Gujrat vs Pratamsingh Narsinh Parmar, (2001) 9 SCC 713**. में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि In our opinion the Tribunal was not right in placing the onus of the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year preceding his termination. It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was them for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filling of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No Proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. on this ground alone, the award is liable to be set aside.

**Rajasthan State Ganganagar Sugar Mills Ltd. Vs State of Rajasthan and Anr. v(2004) LST 686=2004(8)SCC161, (पैरा 6)** में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि "It was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had in fact worked up to 240 days in the year preceding his termination. He has filed an affidavit. It is only his own statement which is in his favour and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year. These aspects were highlighted in **Range Forest Officer vs S.T. Hadimani, 2002 (3) SCC 25. No** Proof of receipt of salary or wages for 240 days or order or record in that regard was produced. Mere Non-production of the muster roll for a particular period was not sufficient for the Labour Court to hold that the workman had worked for 240 days as claimed."

**Manager Reserve Bank of India Bangalore Vs S. Mani and Others 2005 (5) SCC page 100** में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि The Initial burden of proof was on the workman to show that he had completed 240 days of service. Tribunal's view that the burden was on the employer was held to be erroneous.

8— इस प्रकार उपरोक्त विवेचन व विश्लेषण के आधार पर प्रार्थी श्रमिक अपनी साक्ष्य से यह सिद्ध कर पाने में असफल रहा है कि उसने अप्रार्थी के यहां उसके द्वारा वर्णित सेवा समाप्ति दिनांक से पूर्व के एक कलेण्डर वर्ष में निरंतर 240 दिन कार्य किया हो। ऐसे में प्रार्थी, अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारी घोषित होने योग्य नहीं है एवं प्रार्थी उसके द्वारा प्रस्तुत न्यायिक दृष्टांतों में प्रतिपादित सिद्धांतों से कोई लाभ प्राप्त करने का अधिकारी नहीं है। अतः सम्प्रेषित निर्देश/रेफ्रेन्स इसी अनुरूप उत्तरित होने योग्य है।

**परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 09.02.2007 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि** प्रार्थी कौशल किशौर कश्यप अपनी साक्ष्य से यह सिद्ध करने में पूर्णतया असफल रहा है कि उसने, अप्रार्थी डिप्टी जनरल मैनेजर, आईसीआईसीआई बैंक लि. कोटा के यहां उसके द्वारा वर्णित सेवा समाप्ति दिनांक से पूर्व के एक कलेण्डर वर्ष में निरंतर 240 दिन कार्य किया हो। अतः प्रार्थी श्रमिक, अप्रार्थी से किसी प्रकार का अनुतोष प्राप्त करने की अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 06.02.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 1 जुलाई, 2025

**का.आ. 1232.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, आसनसोल के पंचाट **(संदर्भ संख्या 36/2023)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/06/2025** को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी.एम-II]

मणिकंदन. एन, उपनिदेशक

New Delhi, the 1st July, 2025

**S.O. 1232.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 36/2023)** of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **ECL** and **their workmen** received by the Central Government on **25/06/2025**

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 36 OF 2023**

**PARTIES:** Bijoy Kumar Das

**Vs.**

Management of 3 & 4 Incline, Jhanjra Area of M/s. ECL.

**REPRESENTATIVES:**

For the Union/Workman: Mr. Chandi Banerjee, Gen. Secy., Colliery Mazdoor Union.

For the Management of ECL: P. K. Das, Advocate.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 04.11.2024.

**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Ministry of Labour, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Asansol, vide its Order **No. 1(31)/2023/E** dated 26.07.2023 has been

pleased to refer the following dispute between the employer, that is the Management of 3 & 4 Incline, Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*" Whether the action of the management of 3 & 4 Incline, Jhanjra Area of M/s. ECL in not paying the amount of arrear wages, Sunday wages and holiday wages to Shri Bijoy Kumar Das is justified? If not, what relief the workman is entitled to? "*

1. On receiving Order **No. 1(31)/2023/E** dated 26.07.2023 from the Office of the Deputy Chief Labour Commissioner (Central), Asansol, Ministry of Labour, Government of India, for adjudication of the dispute **Reference case No. 36 of 2023** was registered on 28.07.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate appeared for the management of Eastern Coalfields Limited. Case is fixed up today for evidence of Bijoy Kumar Das, the aggrieved workman. Mr. Chandi Banerjee, union representative appeared for the workman and filed a petition stating that Bijoy Kumar Das is not inclined to continue with the Reference case and the same may be disposed of.

3. After registration of case the workman as well as management filed their written statements. Bijoy Kumar Das filed his affidavit-in-chief on 23.02.2024. Thereafter, the workman did not appear on 11.03.2024, 15.07.2024 and filed a petition today, stating that he does not want to proceed with this case any further. Considered the matter. The Reference case is dismissed for non-prosecution. The petition filed today is disposed of. Let a No Dispute Award be drawn up.

Hence,

**ORDERED**

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

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